

# NEW JERSEY REGISTER



The State's Official Rules Publication

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# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Proposed Revisions in Commercial Values

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.26, proposes to revise the current text of the rule concerning commercial values.

Full text of the proposed new rule follows:

#### 2:69-1.11 Commercial values

(a) The values for nitrogen, water insoluble nitrogen, available phosphoric acid and soluble potash are as follows:

- |   |                  |
|---|------------------|
| 1. Total nitrogen (N)   | \$4.50 per unit; |
| 2. Water insoluble nitrogen (WIN)                             | \$8.40 per unit; |
| 3. Available phosphoric acid (P <sub>2</sub> O <sub>5</sub> ) | \$3.25 per unit; |
| 4. Soluble potash (K <sub>2</sub> O)                          | \$2.35 per unit. |

Interested persons may comment orally or in writing on or before June 25, 1975, to:

Delmar K. Myers, Director  
Division of Regulatory Services  
P. O. Box 1888  
Trenton, New Jersey 08625  
Telephone (609) 292-5575

The State Board of Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Phillip Alampi  
Secretary of Agriculture  
Secretary, State Board of Agriculture

(b)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Milk Marketing Order Regulating Milk Handling

On May 15, 1975, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the State Department of Agricul-

ture, pursuant to authority of N.J.S.A. 4:12A-25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an order regulating the handling of milk in various New Jersey milk marketing areas.

Full text of that order follows:

2:54-3.6 Handling of milk in various New Jersey milk marketing areas (concurrent amendments to Federal Orders 2 and 4); June 1, 1975

(a) In conformance with the memorandum of agreement with the United States Department of Agriculture, pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the Director, Division of Dairy Industry, participated with the United States Department of Agriculture in a joint hearing held at Allentown, Pennsylvania, on January 23-25, 1974; at Downingtown, Pennsylvania, on January 28 through February 1, 1974, and February 5-7, 1974; and at Philadelphia, Pennsylvania, on March 5-8, 1974 and March 11-13, 1974, pursuant to notice thereof which was published in the time and manner required by applicable Federal and State laws.

(b) After considering the evidence adduced at the hearing, the Director of the Division of Dairy Industry concurs with the findings and determinations of the United States Department of Agriculture as contained at pages 14702 ff. of Volume 40 of the Federal Register for April 1, 1975. Also, pursuant to the provisions of N.J.A.C. 15:15-5.3, the Director hereby adopts by reference the aforesaid findings and determinations insofar as such findings pertain to the marketing of milk in the State of New Jersey under 7CFR 1002 and 7CFR 1004, the same being commonly referred to as Federal Orders 2 and 4.

(c) Now therefore, it is hereby ordered that the proceedings with respect to 7CFR 1002 are hereby terminated and the amendment to 7CFR 1004 contained at pages 14723 ff. of Volume 40 of the Federal Register for April 1, 1975, and as amended at page 15390 of the said Federal Register for April 7, 1975, is hereby adopted as an amendment to N.J.A.C. 2:54-3.1, et seq.

(d) This amendment shall be effective from and after June 1, 1975.

An order adopting this order was filed May 16, 1975, as R.1975 d.125 (Exempt, Procedure Rule) to become effective June 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

## NEW JERSEY REGISTER

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(a)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Amendment on Interpretation of "Person"

On May 15, 1975, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:10-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to the rule concerning the interpretation of the term "person" regarding the responsibility of the packer or repacker in the marketing of open and closed packages of potatoes.

Full text of the new amendment follows:

2:71-5.7(b) In interpreting the word "person" in Chapter 164, Laws of 1974, the New Jersey Department of Agriculture shall assess a penalty against the individual found responsible for the violation at the specific place involved.

An order adopting this amendment was filed and effective May 16, 1975, as R.1975 d.126 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## BANKING

### DIVISION OF BANKING

#### Rule on Exclusion of Time Balances on Deposit from Ten Per Cent Limitation

On May 1, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-62H and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, cited as N.J.A.C. 3:11-7.7, concerning the exclusion of time balances on deposit from the ten per cent limitation, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 127(a).

An order adopting this rule was filed and effective May 1, 1975, as R.1975 d.115.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## BANKING

### DIVISION OF ADMINISTRATION

#### Rules on Miscellaneous Fees

On May 13, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules on miscellaneous

fees, now cited as N.J.A.C. 3:1-7.1 et seq., as proposed in the Notice published April 10, 1975, at 7 N.J.R. 126 (c).

An order adopting these rules was filed and effective May 14, 1975, as R.1975 d.120.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to State Personnel Manual On Appointments from Open Competitive Lists

On April 24, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 7-3.111, Appointments from Open Competitive Lists, in the Civil Service Personnel Manual (State Service).

Full text of the revised rule follows:

7-3.111a Subject

This subpart prescribes the regulation to be followed when making appointments from open competitive lists.

7-3.111b Regulation

All appointments from open competitive lists will be made at the minimum or authorized hiring rate of the range, unless the appointing authority requests and receives approval from the Salary Adjustment Committee for a higher rate. This regulation does not apply to appointees already employed in the Department making the appointment.

An order adopting these revisions was filed April 29, 1975, as R.1975 d.111 (Exempt, Procedure Rule). Take notice that such revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(e)

## COMMUNITY AFFAIRS

### DIVISION ON AGING

#### Proposed Rules on County Offices on Aging

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 40:23-6.44, proposes to adopt rules and regulations for the proper control and management of activities of county offices, for the certification to hold the position of executive director, for the administration of grant funds available for the purposes of an Act entitled "County Offices on Aging" and for the administration of Title III of the Comprehensive Services Amendments of 1973 (Public Law 93-29) to the Older Americans Act of 1965 as amended or as may be subsequently amended.

Such rules, if adopted, will be included in the new Chapter 71 of Title 5 in the New Jersey Administrative Code.

Such proposed rules and regulations concern the County Offices on Aging, the executive directors, citizen advisory councils, project costs, standards for selected items of allowable project costs, unallowable costs, cost sharing requirements, audit procedures and administration of an Act entitled "County Offices on Aging".

Such proposed rules and regulations concern the administration of Title III of Comprehensive Services Amendments of 1973 (Public Law 93-29) to the Older Americans Act of 1965 as amended or as may be subsequently amended.

A copy of the complete text of the ten pages of the proposed rules and regulations is available upon application to the Division on Aging, Department of Community Affairs, Post Office Box 2768, Trenton, New Jersey 08625.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1976, to the Division on Aging at the above address.

The Department of Community Affairs, upon its own motion or at the instance of any interested party, may thereafter adopt these rules and regulations substantially as proposed without further notice.

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions for Special Education

The State Board of Education, pursuant to authority of N.J.S.A. 18A:46-1 et seq., proposes to revise portions of its rules concerning special education.

**Full text** of the proposed revisions follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### 6:28-1.9 Parental notification

(a) **The identification, evaluation and classification procedures shall include provisions to inform fully and involve the parent or guardian.**

1. **Identification:** The parent or guardian shall be notified in writing in the dominant language of the home when a child has been referred to a basic child study team for evaluation.

2. **Evaluation:** The public school district shall request that the parent or guardian provide information to the basic child study team to be utilized in the classification process.

3. **Classification:** The chairperson of the basic child study team or his/her designee shall inform the parent or guardian of the classification, educational plan and educational program at a conference and in writing prior to their implementation.

4. The parent or guardian shall be informed of the right to appeal classification and program placement, and the procedures to follow in the appeal process by the chairperson of the basic child study team or his/her designee.

#### 6:28-1.10 Parents' and pupils' rights

(a) **All identified pupils shall be provided an evaluation by the basic child study team to determine if they are handicapped and in need of special education programs as a prerequisite to any board of education action on exclusion from the public school.**

(b) **Parents of school-age pupils shall be provided copies of the law and the regulations relating to the handicapped by the local school district and shall be fully informed of the procedures to seek redress for any issue arising under said law or regulations by which they feel aggrieved.**

(c) **Parents shall be an integral part of the evaluation procedure and shall be notified of the findings of the examination at a conference scheduled for such purpose. A summary of the findings, the minutes of the conference and the agreed upon recommendations shall be available to the parent in writing in the dominant language of the home and made available to appropriate State agencies upon request.**

(d) **Parents, guardians or parent surrogates have the right to challenge classification, placement recommendations and the quality and nature of the program provided their handicapped child.**

(e) **Parents have the right to challenge any aspect of the procedures and decisions made by the school district relating to their handicapped child when in their judgment the decisions are not in conformity with statute or regulations or are not in their child's best interests.**

#### 6:28-1.11 Appeal procedures

(a) **All parental concerns and issues relating to identification, classification, placement and program procedures should be discussed initially with the basic child study team, other professional staff and the administrator of the local school district.**

(b) **A parent, guardian or parent surrogate wishing to continue to challenge an issue pertaining to his/her child following discussion set forth in this Section should address the concern and/or grievance to the board of education of the local school district responsible for the original ruling.**

(c) **If the issues remain unresolved within the local school district, the office of the county superintendent shall be available for consultation with parents and guardians.**

(d) **The Branch of Special Education and Pupil Personnel Services, State Department of Education, shall act as an appeal agent if the local and county staffs are unsuccessful in resolving the issue. Said branch shall provide without cost to the parent all necessary professional evaluation services to help further clarify the issues to settle the dispute.**

(e) **The parent may elect to bring the issue to the immediate attention of the Commissioner of Education by filing a formal request for administrative review with the Department's Division of Controversies and Disputes. A formal hearing will be arranged to review the issues and a formal decision by the Commissioner will be rendered.**

(f) **A Commissioner of Education decision may be appealed to the New Jersey State Board of Education.**

(g) **The New Jersey State Board of Education decision may be appealed to the appropriate court of jurisdiction.**

(h) The parent may, on behalf of his child, choose any level of appeal within the administrative system in order to obtain adjudication of his grievance.

6:28-2.2(b)

Where the Division of Youth and Family Services, New Jersey Department of Institutions and Agencies, has participated in the identification process, pursuant to N.J.A.C. 6:28-1.8(b), and has made a request of the local board for evaluation and classification of a child, should the local board fail to provide for such examination within 30 days of the request, the Division may assume the classification responsibility, using its own child study team and performing this function according to the procedures herein established.

[(b)] (c) Examination and classification shall include the following:

(Note: The current text remains unchanged).

6:28-3.1 [Handicapped pupils] Educational programs

(a) Handicapped pupils shall be [assigned to] **afforded** educational programs according to how they can best achieve success in learning.

(b) [Whenever possible h] Handicapped pupils shall be grouped and/or participate with nonhandicapped children in activities that are part of their educational programs.

(c) **The chief school administrator or his designee shall be responsible for the placement of handicapped pupils based on the recommendations of the basic child study team employed by the local board of education, or the findings of a clinic or child evaluation center whose services are purchased by the local board of education. Recommended placement involving residential consideration shall be made only after consultation and agreement of the parents or guardians of the child.**

(d) All school districts shall provide a continuum of educational programs and services for handicapped children as deemed necessary by the basic child study team.

6:28-3.2 Educational program options

(a) All school districts shall provide a continuum of educational services including programs of instruction complementary to the regular classroom.

(b) Handicapped children shall be served in an educational program on any of the following bases, but priority shall be given to the program which offers the student the least restrictive environment:

1. Instruction at school which complements regular class program:

- i. Supplementary instruction;
- ii. Resource room and/or learning center.

2. A special class program in the district;

3. A special program in:

- i. The public schools of another district;
- ii. A county vocational and technical school;
- iii. A county special services district;

iv. An educational services commission;

v. A jointure commission.

4. Public school programs in hospitals, convalescent homes or other private institutions provided by agreement between one or more school districts;

5. A State of New Jersey operated program;

6. Sheltered workshops in conjunction with other educational programs in the local district on a part-time

or full-time basis. Such sheltered workshops shall be approved by the New Jersey Rehabilitation Commission and the Branch of Special Education and Pupil Personnel Services;

7. Sending children capable of benefiting from a day school instructional program to privately-operated day classes in New Jersey or an adjoining state or nearby state and within 400 miles of Trenton or, with the approval of the Commissioner to meet particular circumstances, at a greater distance from Trenton, the services of which are nonsectarian, whenever in the judgment of the board of education with the consent of the Commissioner it is impractical to provide services pursuant to paragraphs 1, 2, 3, 4, 5 and 6 of this Subsection:

8. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the Commissioner it is impractical to provide a suitable special education program for a child pursuant to paragraphs 1, 2, 3, 4, 5, 6 or 7 of this Subsection.

[6:28-3.2] 6:28-3.3 Teachers for handicapped children

Children classified as handicapped shall be the primary instructional responsibility of a teacher certified to teach pupils so disabled. Such teachers shall provide instruction designed to correct or compensate for the disability as well as work cooperatively with other teachers to whom the handicapped child may be assigned for portions of his/her educational program.

[6:28-3.3] 6:28-3.4 Placement

(a) The placement of handicapped pupils shall be the responsibility of the chief school administrator or his designated agent for the board of education and shall be based on the recommendations of the basic child study team employed by the local board of education. Recommended placement involving residential consideration shall be made only after consultation and agreement of the parents or guardian of the child.

[6:28-3.4] Operation of programs

(a) Handicapped children may be served in an appropriate educational program on any of the following bases, but not necessarily in the order named.:

1. Instruction at school supplementary to the other programs in the school, whenever in the judgment of the board of education with the consent of the Commissioner the handicapped pupil will thereby best be served. Teacher aides, under the supervision of a principal, teacher of the handicapped or other personnel, appropriately certified, may assist in instruction in special class or other special programs according to N.J.A.C. 6:11-4.7;

2. A special class or program in the district or operated by a county vocational school including a class or program in a hospital, convalescent home or other institution;

3. A special class or program in the public schools of another district, vocational schools in this State or an adjoining state;

4. Joint facilities including a class or classes in a hospital, convalescent home or other institution to be provided by agreement between one or more school districts;

5. A jointure commission program;

6. A State of New Jersey-operated program;

7. Sheltered workshops in conjunction with other educational programs in the local district. Such sheltered workshops shall be approved by the New Jersey Rehabilitation

Commission and the Bureau of Special Education and Pupil Personnel Services;

8. Sending children capable of benefiting from a day school instructional program to privately-operated nonprofit day classes in New Jersey or a nearby state within 400 miles of Trenton, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the Commissioner it is impracticable to provide services pursuant to subsections 1., 2., 3., 4., 5., 6. or 7., otherwise of this Section.

9. Individual instruction at home or in school whenever in the judgment of the board of education with the consent of the Commissioner it is impracticable to provide a suitable special education program for a child pursuant to subsections 1., 2., 3., 4., 5., 6., 7., or 8., otherwise of this Section]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to:

Ms. Lorraine Colavita  
Administrative Practice Officer  
State Department of Education  
225 West State St.  
Trenton, N.J. 08625

The State Board of Education upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Fred G. Burke  
Commissioner of Education  
Secretary, State Board of Education

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Rule on Master Plans

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:18-2 and 18A:33-1, proposes to adopt a new rule concerning school planning services — master plans.

Full text of the proposed rule follows:

#### 6:22-2.9 Master plans

(a) **Master plans projecting ten-year estimates of capital construction needs shall be developed by each school district. Such plans shall include a thorough description and analysis of local and regional demographic factors which influence general population growth and public school enrollments. The master plan shall also include a thorough description and analysis of local geographic features, socio-economic characteristics of the population, community aspirations and financial ability to support education, population mobility, transportation and traffic patterns and facilities, the educational program, administrative structure of the school system, condition and utility of existing educational and recreational facilities, zoning ordinances, land use, utilities available throughout the district and public cultural facilities.**

(b) **Initial copies of the master plan shall be submitted to the Bureau of Facility Planning Services for review and approval no later than July 1, 1978. Updated master plans shall be submitted every five years thereafter. Initial and updated copies of the master plans shall be submitted also to the local and regional planning boards for their recommendations. Should a school district propose any major capital construction program, that district shall submit to the Bureau of Facility Planning together with the schematic plan submission a copy of its master plan which shall have been updated within six months of such submission.**

(c) **The design of the master plan shall be such that it can be updated annually for local use at regular intervals.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to:

Ms. Catherine M. Havrilesky  
State Department of Education  
225 West State Street  
Trenton, N.J. 08625

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

Fred G. Burke  
Commissioner of Education  
Secretary, State Board of Education

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions for Professional Librarians

The State Board of Education, pursuant to authority of N.J.S.A. 18A:6-34 et seq. and 45:8A-1 et seq., proposes to revise N.J.A.C. 6:11-12.7 concerning professional librarians.

Full text of the proposed revisions follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### 6:11-12.7 Professional librarian

(a) This certificate is required for employment as a professional librarian in libraries supported in whole or in part by public funds and serving communities of 10,000 population and above.

(b) The requirements include [a degree in library science from an accredited institution, or equivalent preparation including thirty semester-hour graduate or undergraduate credits in library science.] **a master's degree in library or information science in an approved library program.**

**Note:** Up to three years from the date of the adoption of this regulation by the State Board of Education, students currently enrolled in a State-approved graduate or undergraduate program in library or information science shall be issued a professional librarian's certificate upon successful completion of 30 semester-hour credits.

(c)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to:

Ms. Catherine M. Havrilesky  
State Department of Education  
225 West State Street  
Trenton, N.J. 08625

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Fred G. Burke  
Commissioner of Education  
Secretary, State Board of Education

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions to Educational Assessment Program

On May 7, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:4-24 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 6:39-1.2 and 6:39-1.3 concerning the educational assessment program, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 140(b).

An order adopting these revisions was filed and effective May 16, 1975, as R.1975 d.122.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions of Standards for State Approval of Teacher Education

On May 7, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-34 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised standards, cited as N.J.A.C. 6:11-12.21 through 6:11-12.23, for State approval of teacher education, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 138(a).

An order adopting these revised standards was filed and effective May 16, 1975, as R.1975 d.123.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions on Pupil Records

On May 7, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:36-19 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules on pupil records, substantially as proposed in the Notice published December 5, 1974, at 6 N.J.R. 465(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

The current text of N.J.A.C. 6:3-1.3, Inspection of school records, is deleted in its entirety and that Section is to be marked as (Reserved.) The new rules on pupil records may be cited as N.J.A.C. 6:3-2.1 et seq.

A summary of the substantive changes made in the adopted rules follows:

##### 6:3-2.1 Introduction

This Section has been removed and the following Sections renumbered as indicated below.

##### 6:3-2.1 Definitions

The "pupil record" definition was amended to clarify professional notes and memory aids not meant for second party view by excluding them from this definition. This modification is consistent with the Federal Buckley amendments.

The definition of "authenticated" has been deleted and the intent has been incorporated into appropriate Sections of the text.

##### 6:3-2.2 General considerations

The requirement related to frequency of distribution of these rules and regulations has been reduced because of the excessive administrative and financial burden and to coincide with the Federal Buckley amendments. The dominant language requirement has been modified in accordance with considerable public comment.

Several conditions were also included under this Section to make these rules conform to the Federal regulations:

Granting professional school personnel the right to disclose pupil information to appropriate persons in connection with an emergency.

Granting parents access to a portion of another pupil's record that contains information about his/her own child; or the right to be informed about such information.

A statement is included relative to professional liability pursuant to the intent of 18A:36-19.

##### 6:3-2.3 Pupil records

Subsection (c) "Prohibited category" has been deleted as a separate category, with inclusion of those prohibitions stated under paragraph (a) 1. of this Section.

Ethnic origin, race and sibling order have also been removed as mandated items in this Section.

Subsection (b) has been changed to require boards of education to report annually the types of pupil records it has authorized for collection under this Section to insure public

awareness and to be consistent with Federal regulations.

#### 6:3-2.4 Maintenance and security of pupil records

No significant change.

#### 6:3-2.5 Access to pupil records

This Section was clarified to specifically grant authorized persons the right to have copies of pupil records made and allows boards of education to charge a fee to cover the reproduction costs.

Parents are protected from being denied access to their adult student's record if the student is financially dependent on the parents.

Authorized persons from outside the school may not transfer pupil record information to a third party without consent.

These changes have been made to conform to the Federal regulations.

#### 6:3-2.6 Procedures for viewing pupil records

This Section title has been changed to "Conditions for access to pupil records".

In order to comply with the Federal regulations the following condition was included under this Section:

No pupil record shall be altered or destroyed during the time period between a request to review the record and the actual review of the record.

#### 6:3-2.7 Rights of appeal for parents and adult students

No significant change

#### 6:3-2.8 Retention and destruction of pupil records

This Section was changed to require school districts to provide copies of pupil records upon request only, following the graduation or permanent departure from the school system.

The adult student is also given the right to remove from the record any material, except that which is mandated, upon high school graduation or permanent departure from the school district.

—————  
An order adopting these revisions was filed and effective May 16, 1975, as R.1975 d.124.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Rules on Equality in Educational Programs

On May 7, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:36-20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules on equality in educational programs, substantially as proposed in the Notice published April 10, 1975, at 7 N.J.R. 136(a), with only inconsequential structural or language changes, in the opinion of the Department of Education.

Such rules may be cited as N.J.A.C. 6:4-1.1 et seq.  
An order adopting these rules was filed and effective May 20, 1975, as R.1975 d.137.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Notice of Prior Proposed New Rules On Thorough and Efficient Education

Take notice that the State Board of Education has proposed new rules concerning thorough and efficient education which, if adopted, will be cited as N.J.A.C. 6:8-1.1 et seq.

**Full text** of these proposed new rules was published in the April 10, 1975, issue of the New Jersey Register at 7 N.J.R. 132(a).

This further notice is published as a matter of public information.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Revisions on Control and Prohibition of Open Burning

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 26:2C-1 et seq., proposes to adopt revisions to N.J.A.C. 7:27-1.1 et seq. concerning the control and prohibition of open burning. Such revisions are known within the Department of Environmental Protection as Docket No. DEP-042-75-05.

**Full text** of the proposed revised rules follows (additions or changes indicated in boldface **thus**);

#### SUBCHAPTER 2. CONTROL AND PROHIBITION OF OPEN BURNING

##### 7:27-2.1 Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Air contaminant" means solid particles, vapors or gases which are discharged into the outdoor atmosphere.

"Department" means the Department of Environmental Protection.

"Garbage" means waste animal or vegetable matter from houses, kitchens, restaurants, hotels, produce markets or any other source, or food of any kind to be thrown away.

"Hazardous material" means trade waste which presents an existing or potential hazard to health or safety if disposed of by any means other than open burning including, but not

limited to, explosives, nitrocellulose and elemental sodium.

**"Herbaceous plant life"** means plant life relating to or having the characteristics of an herb, that is, a seed producing annual, biennial or perennial that does not develop persistent woody tissue but dies down at the end of a single growing season.

"Incinerator" means any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance including but not limited to refuse, rubbish, garbage, trade waste, debris or scrap or a facility for cremating human or animal remains.

"Infested plant life" means plant life contaminated by or harboring an insect, a plant pathogen, a weed or any other organism capable of causing damage, economic or otherwise, to environmental or natural resources.

"Open burning" means any fire whose products of combustion are emitted directly into the open air, and are not directed thereto through the stack or chimney of an incinerator.

"Plant life" means vegetation including, but not limited to, trees, tree branches, leaves, yard trimmings, shrubbery, grass, weeds and crops.

"Prescribed burning" means the open burning of plant life under such conditions that the fire is confined to a predetermined area and accomplishes the environmentally beneficial objectives of prevention and control of wildfires.

**"Prunings"** means dead or excess branches and twigs removed from plants to improve crop yield.

"Refuse" means rubbish, garbage, trade waste and plant life.

"Rubbish" means waste solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, furniture, tin cans, glass, crockery, masonry and other similar materials.

"Salvage operation" means any operation or activity from which is salvaged or reclaimed any product or material including, but not limited to, metals, chemicals or shipping containers.

"Stack or chimney" means a flue, conduit or opening designed and constructed for the purpose of emitting air contaminants into the outdoor air.

"Trade waste" means all waste solid or liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste material.

#### 7:27-2.2 Open burning for salvage operations

No person shall cause, suffer, allow or permit a salvage operation by open burning.

#### 7:27-2.3 Open burning of refuse

(a) No person shall cause, suffer, allow or permit the disposal of rubbish, garbage or trade waste or buildings or structures by open burning.

(b) No person shall cause, suffer, allow or permit the disposal of fallen leaves by open burning.

(c) No person shall cause, suffer, allow or permit the disposal of any type of plant life by open burning.

#### 7:27-2.4 Exceptions

The provisions of Section 3 of this Subchapter shall not

apply to open burning of refuse for training or research exercises in fire protection or prevention when conducted at a permanent facility or training center designed to be used solely for such purposes on a continuing basis.

#### 7:27-2.5 Infested plant life

(a) **The Department may issue a permit for open burning of infested plant life, except in any municipality which prohibits such open burning, to a person responsible for the control of infested plant life upon certification by an authorized county agricultural agent that no other effective method of controlling the infestation can be used without causing damage, economic or otherwise, to environmental or natural resources.**

(b) **Applications may be made to the Bureau of Forestry, Forest Fire Service, in the Department for a permit for the open burning of infested plant life.**

(c) Such permit may be valid for a single event or for a period not to exceed 14 days, may be conditioned upon any requirements which the Department deems to be necessary and is revocable at the discretion of the Department.

(d) No open burning shall commence until a permit is issued and is current. Any person seeking a permit for the open burning of infested plant life shall file with the Department an affidavit, **signed by both the applicant and the county agricultural agent**, which sets forth the following and any other information requested by the Department:

1. The name, address and telephone number of the person submitting the affidavit; if such a person is a legal entity, the name, title and address of the individual authorized to accept service or process on its behalf and the name of the officer in charge of the premises where infested plant life is to be burned.

2. The type of business or activity involved.

3. Municipal restrictions on open burning of plant life.

4. The proposed operating practice including the type and quantity of infested plant life to be burned.

5. Whether the open burning is to be carried on in a single instance or the frequency if intermittent.

6. The exact location at which the infested plant life will be burned.

7. Reasons why the infestation cannot be controlled by any method other than by open burning without causing damage, economic or otherwise, to environmental or natural resources.

#### 7:27-2.6 Prescribed burning

(a) The Department may issue a permit authorizing prescribed burning in accordance with a plan approved by and under the control and supervision of the Bureau of Forestry, **Forest Fire Service**.

(b) The permit may be conditioned upon any requirements which the Bureau of Forestry, **Forest Fire Service**, deems to be necessary and is revocable at the discretion of the Department.

(c) The permit may be issued for a single event or for a period of days, and no prescribed burning shall commence until a permit is issued and current.

(d) Any person seeking a permit for prescribed burning shall file with the Bureau of Forestry, **Forest Fire Service**, an affidavit which sets forth the following and any other information requested by the Bureau of Forestry, **Forest Fire Service**:

1. The name, address and telephone number of the person submitting the affidavit; if such a person is a legal entity,

the name, title and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the prescribed burning is to take place.

2. The name and address of the owner of the premises where the prescribed burning is to take place.

3. The exact location at which the prescribed burning is to take place.

4. A detailed plan describing the specific reasons why the prescribed burning is necessary and how it is to be done.

#### 7:27-2.7 Emergencies

(a) The Department may issue a permit to a municipality for the open burning of plant life upon a finding of merit in an affidavit filed with the Department by the municipal clerk that excessive quantities of plant wastes have been produced by an emergency such as a wind storm or ice storm.

(b) The permit may be conditioned upon any requirements which the Department deems to be necessary and is revocable at the discretion of the Department.

(c) The permit may be issued for a single event or for a period not to exceed seven days, and no open burning of plant life shall commence until a permit is issued and current.

(d) The affidavit shall set forth the following and any other information requested by the Department:

1. The name, address and telephone number of the municipal clerk submitting the affidavit.

2. The name of the authorized municipal representative in charge of the premises where the plant life is to be burned.

3. The proposed operating practice including the type and quantity of plant life to be burned.

4. Whether the open burning is to be carried on in a single instance or the frequency if intermittent.

5. The exact location(s) at which the plant life is to be burned.

6. Reasons why the plant life cannot be disposed of by any method other than by open burning.

#### 7:27-2.8 Hazardous material

(a) The Department may issue a permit for the open burning of hazardous material, except in any municipality which prohibits such open burning, where no other known method of disposal can be used without hazard to health or property, upon a finding of merit in an affidavit filed with the Department by the person seeking to engage in such activity.

(b) The permit may be conditioned upon any requirements which the Department deems to be necessary and is revocable at the discretion of the Department.

(c) The permit may be issued for a single event, or for a period not to exceed six months, and no disposal of hazardous materials by open burning shall commence until a permit is issued and is current.

(d) The affidavit shall set forth the following and any other information requested by the Department:

1. The name, address and telephone number of the person submitting the affidavit; if such a person is a legal entity, the name, title and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the hazardous material is to be burned.

2. The type of business or activity involved.

3. Municipal restrictions on open burning of hazardous material.

4. The proposed operating practice including the type and

quantity of hazardous material to be disposed of by open burning.

5. Whether the open burning is to be carried on in a single instance or the frequency if intermittent.

6. The exact location at which the hazardous material will be disposed of by open burning.

7. Reasons why the hazardous material cannot be disposed of by any method other than by open burning without resulting in a hazard to health or property.

#### 7:27-2.9 Herbaceous plant life

(a) **The Department may issue a permit for the open burning of herbaceous plant life on the premises where grown, except in any municipality which prohibits such burning, when the premises are actively in use for raising food crops or salt hay for commercial purposes and on a commercial scale and where no other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources.**

(b) **The permit will be issued only in accordance with a plan approved by and under the control and supervision of the Bureau of Forestry, Forest Fire Service.**

(c) **The permit will be conditioned upon the confirmation of favorable meteorological conditions on the day the open burning will be conducted.**

(d) **The permit may also be conditioned upon any requirements which the Department deems to be necessary and is revocable at the discretion of the Department.**

(e) **The permit may be issued for a single event, or for a period not exceeding 14 days, and no open burning shall commence until a permit is issued and current.**

(f) **Any person seeking a permit for the open burning of herbaceous plant life shall file with the Bureau of Forestry, Forest Fire Service, an affidavit which sets forth the following and any other information requested by the Department:**

1. **The name, address and telephone number of the person submitting the affidavit; if such person is a legal entity, the name, title and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the open burning is to take place;**

2. **The name and address of the owner of the premises where the open burning is to take place;**

3. **Municipal restrictions on open burning;**

4. **The exact location of the premises on which the herbaceous plant life will be burned;**

5. **The nature of the business or activity involved and the use being made of the premises;**

6. **A detailed plan describing the nature and quantity of herbaceous plant life and how the open burning is to be done, including whether it is to take place in a single instance or the frequency if intermittent;**

7. **Reasons why no other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources.**

#### 7:27-2.10 Orchard prunings

(a) **The Department may issue a permit for the open burning of orchard prunings on the premises where grown, until June 30, 1977 and except in any municipality which prohibits such burning, when such prunings are derived from trees being cultivated for commercial pur-**

poses to produce food crops or as ornamentals and where no other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources.

(b) The permit will be issued only in accordance with a plan approved by and under the control and supervision of the Bureau of Forestry, Forest Fire Service.

(c) The permit will be conditioned upon the confirmation of favorable meteorological conditions on the day the open burning will be conducted.

(d) The permit may also be conditioned upon any requirements which the Department deems to be necessary and is revocable at the discretion of the Department.

(e) The permit may be issued for a single event or for a period not exceeding 14 days and no open burning shall commence until a permit is issued and current.

(f) Any person seeking a permit for the open burning of orchard prunings shall file with the Bureau of Forestry, Forest Fire Service, an affidavit which sets forth the following and any other information requested by the Department:

1. The name, address and telephone number of the person submitting the affidavit; if such person is a legal entity, the name, title and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the open burning is to take place;

2. The name and address of the owner of the premises where the open burning is to take place;

3. Municipal restrictions on open burning;

4. The exact location of the premises on which the orchard prunings will be burned;

5. The nature of the business or activity involved and the use being made of the premises;

6. A detailed plan describing the nature and quantity of orchard prunings and how the open burning is to be done, including whether it is to take place in a single instance, or the frequency if intermittent;

7. Reasons why no other effective method of disposal can be used without causing damage, economic or otherwise, to environmental or natural resources.

#### 7:27-2.11 Fees

(a) Any application for a permit for the open burning of herbaceous plant life as provided in Section 9 of this Subchapter shall be accompanied by a service fee of \$10.00 and no such permit will be issued until the service fee is received.

(b) Any application for a permit for the open burning of orchard prunings as provided in Section 10 of this Subchapter shall be accompanied by a service fee of \$10.00 and no such permit will be issued until the service fee is received.

(c) Service fees shall be submitted in the form of a certified check or postal money order payable to the order of the New Jersey Bureau of Air Pollution Control.

A public hearing respecting this proposed action will be held on July 10, 1975, at 9:00 A.M. at the Auditorium, First Floor, State Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey. The hearing is being held in accordance with the provisions of the Air Pollution Control Act (1954), as amended by P.L. 1967, c. 106 and under Title 40,

Section 51.4 of the Code of Federal Regulations as a proposed amendment to the New Jersey State Implementation Plan to Meet National Air Quality Standards.

Copies of these proposed rules may be obtained from and written testimony respecting the proposed action may be sent to the following individual any time prior to the 30th day following the conclusion of the announced hearing:

Thomas M. Leonard, Jr.  
Chief Enforcement Officer  
Bureau of Air Pollution Control  
Department of Environmental Protection  
Post Office Box 2807  
Trenton, New Jersey 08625

Copies of the proposed rules and basis document will be available for inspection during normal business hours at various locations throughout the State until 30 days after the closing of the hearing. Information regarding the specific locations of these materials may be obtained by contacting the Department of Environmental Protection at the above address.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

David J. Bardin  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Rules on Land Use Applicable To all Delineated Floodways

Take notice that, in the Notice of Adoption of rules by the Department of Environmental Protection on land use applicable to all delineated floodways, published herein on May 8, 1975, at 7 N.J.R. 206(b), it was indicated that such rules were adopted substantially as proposed in the Notice published October 10, 1974, at 6 N.J.R. 391 (a), with only inconsequential structural or language changes in the opinion of the Department of Environmental Protection. This phrase was incorrect.

There were substantive changes made therein, but such changes were not detrimental to the public, in the opinion of the Department of Environmental Protection.

The Notice of Proposal in the October 10, 1974, edition of the New Jersey Register also proposed the adoption of minimum standards for a municipality to use in establishing regulations to regulate the flood fringe portions of delineated flood hazard areas. These standards are still being considered, as well as other interpretive regulations relating to the general subject matter of these rules.

The Notice of Adoption in the May 8, 1975 issue of the New Jersey Register indicated that Commissioner David J. Bardin adopted these rules on April 21, 1975, when in fact he adopted them on Earth Day, April 22, 1975.

The full text of the adopted rules, known within the Department of Environmental Protection as Docket No. DEP 003-74-09, follows:

#### CHAPTER 13. WATER SUPPLY AND FLOOD PLAIN MANAGEMENT

## SUBCHAPTER 1. GENERAL PROVISIONS

### 7:13-1.1 Purpose

To minimize losses and damages to public and private property caused by land uses which, at times of flood, increase flood heights and/or velocities, to safeguard the public from the dangers and damages caused by materials being swept onto nearby or downstream lands, to protect and enhance the public's health by minimizing the degradation of stream water quality from point and nonpoint pollution sources, and to protect wildlife and fisheries by preserving and enhancing the environment of the flood plain, pursuant to N.J.S.A. 58:16A-50 et seq. and the powers, duties and functions vested under the provisions of N.J.S.A. 13:1D-1 et seq. the following land use regulations shall be applicable to all of the State's delineated floodways listed in Section 11 of this Subchapter.

### 7:13-1.2 Definitions

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

- "Act" means N.J.S.A. 58:16A-50 et seq.
- "Applicant" means the owner of the property on which the permit is applied for or his legal agent.
- "Application" means the Department application form number FH-1 for a floodway permit.
- "Channel" means a watercourse with a definite bed and banks which confine and conduct continuously or intermittently flowing water.
- "Commissioner" means the Commissioner of the Department of Environmental Protection.
- "Council" means the Water Policy and Supply Council in the Division of Water Resources.
- "County planning board" means the planning board as defined and provided for under N.J.S.A. 40:28-1 et seq.
- "Delineated floodway" means any floodway designated by the Council under the provisions of the Act.
- "Department" means the State Department of Environmental Protection.
- "Division" means the Division of Water Resources in the Department of Environmental Protection.
- "Encroachment" means any obstruction within a delineated floodway.
- "Environmental Commission" means a unit of municipal government authorized under N.J.S.A. 40:56A-1 et seq.
- "Erosion" means detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- "Excavation" means removal or recovery by any means whatsoever of minerals, mineral substances or organic substances, other than vegetation, from the water, land surface or beneath the land surface, whether exposed or submerged. Normal agricultural activities shall not be considered to be excavation.
- "Fill" means sand, gravel, earth or other select materials of equal quality placed or deposited within the floodway so as to form an embankment or raise the elevation of the land surface.
- "Flood damage potential" means the susceptibility of a floodway use at a particular site to damage by potential floods at that site, as well as increased offsite flooding or flood related damages caused by such floodway use.
- "Flood fringe" means that portion of the flood hazard area not designated as the floodway.
- "Flood hazard area" means the floodway and any addi-

tional portions of the flood plain, as determined by the Council under the provisions of the Act.

"Flood hazard design elevation" means the flood elevation determined by the Council to be reasonably expected at a location.

"Flood plain" means the relatively flat area adjoining the channel of a natural stream which has been or may be hereafter covered by flood water.

"Floodway" means the channel of a natural stream and portions of the flood plain adjoining the channel which are required to carry and discharge the flood water or flood flow of any natural stream.

"Ground water" means that water, beneath the land surface, which is below the water table and is termed phreatic water.

"Hazardous materials" means any waste or combination of waste which poses a present or potential threat to human health, living organisms or the environment. It shall include waste material that is toxic, corrosive, irritating or sensitizing, radioactive, biologically infectious, explosive or flammable. It includes but need not be limited to, those materials and concentrations of materials that are determined to be toxic by the Federal Secretary of Health, Education and Welfare pursuant to section 20(6) of the Occupational Safety and Health Act of 1970 (Public Law 91-596) (OSHA) and those materials listed in the current Part 172, Title 49 of the Code of Federal Regulations issued by the Federal Department of Transportation.

"Improved parking area" means an area for the temporary location of motor vehicles which has been modified from its natural condition by excavation, fill or structures.

"Motor vehicle" means any vehicle propelled otherwise than by muscular power, excepting such vehicles that run only upon rails or tracks.

"Municipality" means but not be limited to the governing body of any village, town, township, borough, municipality, municipal corporation or other body recognized by the Home Rules Act, N.J.S.A. 40:42-1 et seq.

"Nonregulated use" means any floodway use set forth in Section 5 of this Subchapter.

"Obstruction" means but not limited to any structure, excavation, fill or other materials placed in, along, across or projecting into any channel, watercourse or floodway which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the same downstream to the damage of life or property.

"Person" means corporations, companies, associations, societies, firms, partnerships and joint stock companies, as well as individuals, the State and all political subdivisions of the State or any agencies or instrumentalities thereof.

"Pesticide" means any substance or mixture of substances labeled, designed or intended for use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. The term "pesticide" shall also include any substance or mixture of substances labeled, designed or intended for use as defoliant, desiccant or plant regulator.

"Petroleum products" means oil or petroleum of any kind and in any form including crude oils and derivatives of crude oils, whether alone, as sludge, oil refuse or mixed with other wastes.

"Planning board" means municipal planning board as defined and provided for under N.J.S.A. 40:55-1.1 et seq.

"Prohibited use" means any floodway use which shall not be allowed under any circumstances.

"Radioactive material" means any natural or artificially produced substance or combination of substances which emits radiation spontaneously.

"Rate of local runoff" means speed with which a given quantity of water will move across the land surface at the site of the proposed use under the influence of gravity.

"Regulated use" means any floodway use which is subject to the provisions of the Sections of these regulations dealing with regulated uses.

"Sedimentation" means the transport and depositing of solid material by water.

"Soil conservation district" means a political subdivision of the State of New Jersey authorized under N.J.S.A. 4:24-2 et seq.

"Solid waste" means garbage, sludge, refuse, trash, rubbish, debris or other discarded solid materials.

"Stream encroachment permit" means a permit issued by the Department under the provisions of N.J.S.A. 58:1-26.

"Structure" means any assembly of materials above or below the surface of land or water, including but not limited to buildings, fences, except as provided in Section 4.2.3, dams, fills, levees, bulkheads, dikes, jetties, embankments, causeways, culverts, roads, railroads, bridges and the facilities of any utility or governmental agency. Trees or other vegetation shall not be considered to be structures if planted in the floodway.

"Surface water" means water on the land surface.

"Water carrying capacity" means ability of a channel or floodway to transport water as determined by its shape, cross-sectional area, bed slope and coefficient of hydraulic friction.

#### 7:13-1.3 (Reserved; administrative interpretations)

#### 7:13-1.4 Prohibited uses

(a) This Section shall apply within the delineated floodways set forth in Section 11 of this Subchapter.

(b) No person shall engage in or cause other persons to engage in any of the following prohibited uses:

1. Placing, depositing or dumping any solid waste;
2. The erection of structures for occupancy at any time by humans or livestock, and the erection of kennels for the boarding of domestic pets;
3. The discharge (except as authorized under other provisions of law), processing, storage or disposal of pesticides, domestic or industrial wastes, radioactive materials, petroleum products or other hazardous materials;
4. The storage of materials or equipment;
5. The construction of individual septic systems for residential, commercial or industrial buildings.

(c) Exceptions to subsection (b) of this Section are as follows:

1. Lawful preexisting prohibited uses may be maintained or repaired but not expanded or enlarged.
2. Lawful preexisting prohibited structures damaged by any means may be restored provided the extent of destruction is 50 per cent or less:
  - i. In those cases where the above results in an exceptional and undue hardship, the applicant may appeal in writing to the Division for a hearing before the Council;
  - ii. Following the hearing the Council shall render a decision which will be subject to the approval of the Commissioner;
  - iii. No relief may be granted from the terms of paragraph 2, subsection (c) of this Section unless the applicant adequately demonstrates that no substantial detriment to the public

would result, and that no substantial impairment to the intent and purpose of the Act and these regulations would result.

3. Lawful preexisting sanitary landfills may be expanded vertically provided that:

- i. No horizontal expansion is made;
- ii. The side slopes of the landfill be not steeper than two horizontal to one vertical;
- iii. Adequate soil erosion and sediment control measures are taken to the satisfaction of the Division of Water Resources;
- iv. The flood hazard potential is not increased;
- v. The other applicable provisions of law are complied with.

4. Structures which are lawfully under construction on the effective date may be completed.

(d) Stream encroachment permits under the provision of N.J.S.A. 58:1-26 et seq. shall not be issued for prohibited uses.

#### 7:13-1.5 Nonregulated uses

(a) For purposes of this Section, nonregulated uses are uses which:

1. Do not require fill borrowed from outside the immediate floodway; and
2. Do not require erection of structures; and
3. Do not require channel modification or relocation; and
4. Do not obstruct flood flows; and
5. Do not affect the water carrying capacity of any delineated floodway or channel; and
6. Are undertaken with full onsite flood damage risks accepted by the owner; and
7. Do not increase offsite flood damage potential; and
8. Are not prohibited under Section 4 of this Subchapter.

(b) Nonregulated uses must satisfy the conditions of N.J.A.C. 7:18-1.4 (a) and shall include:

1. Residential: Lawns, gardens and play areas;
2. Private and public recreation: Playing fields, picnic grounds, swimming areas, parks, wildlife and nature preserves, game farms, hunting and fishing areas, shooting preserves and hiking and horseback riding trails;
3. Agriculture: General cultivation, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting. Additionally, specific soil conservation practices as terracing, construction of diversions, subsurface tile drainage and the construction of grassed waterways and dug ponds will be considered nonregulated uses but only when designed and constructed under the immediate supervision of the appropriate County Soil Conservation District office and the local U.S.D.A. Soil Conservation Service office. Single-strand fences associated with these agricultural uses are nonregulated.

#### 7:13-1.6 Regulated uses

The provisions of the stream encroachment law, N.J.S.A. 58:1-26 et seq., shall apply to uses other than those covered by Sections 4 and 5 of this Subchapter.

#### 7:13-1.7 Penalties

(a) Any person who violates a provision of this Act or a rule or regulation adopted pursuant to this Act shall be subject to a penalty of not more than \$2,500 for each offense, to be collected by the Department in a summary proceeding under the penalty enforcement law (N.J.S.A. 2:58-1 et seq.), and in any court of competent jurisdiction wherein injunctive relief

has been requested. The Superior Court, County Court and County District Court shall have jurisdiction to enforce said penalty enforcement law. If the violation is of a continuing nature, each day which it continues shall constitute an additional, separate and distinct offense.

(b) If any person violates any rule or regulation, the Department may institute an action in a court of competent jurisdiction for injunctive relief to prohibit and prevent such violation or violations and the said court may proceed in the action in a summary manner.

7:13-1.8 Other State statutes, rules and regulations

The powers, duties and functions vested in the Department under the provisions of the Act or these regulations shall not be construed to limit in any manner the powers, duties and functions vested therein under any other provisions of law, except as specifically set forth in these regulations.

7:13-1.9 Severability

If any Section, subsection, provision, clause or portion of these regulations is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

7:13-1.10 (Reserved; fees)

7:13-1.11 Delineated floodways

(a) The streams listed in subsection (b), (c), (d) and (e) have been delineated following public hearings by the Water Policy and Supply Council, and information concerning these delineations is on file in the offices of the Division of Water Resources:

1. Type 1: A flood hazard area map has been prepared setting forth floodway limits and extent of flood hazard area limits. Water surface profiles are included for both the floodway and flood hazard area design floods.

2. Type 2: There is no flood hazard area map available. Delineation must be determined on a case by case basis from the water surface profiles which have been developed for both the floodway and flood hazard area design floods.

(b) A list of delineated streams in the Atlantic Basin follows:

Council Adoption Date	Stream	Limits	Type
1. 9-17-73	Long Swamp Creek	Mouth to 0.88 mi. upstream of Bea Lea Road	2
2. 9-17-73	Ridgeway Branch Toms River	Mouth to Route #547	2
3. 9-17-73	Union Branch Toms River	Mouth to Lake Road	2
4. 9-17-73	Toms River	Mouth at Route #166 to Route #70	2

(c) A list of delineated streams in the Delaware Basin follows:

1. 6-18-73	Crosswicks Creek	Route #206 to Oakford Lake	2
2. 7-16-73	Big Timber Creek	Mouth to confluence with north and south branches of Big Timber Creek	2
3. 7-16-73	South Branch Big Timber Creek	Mouth to Blackwood Road	2
4. 7-16-73	North Branch Big Timber Creek	Mouth to Blackwood Road	2

5. 7-16-73	Clemonton Run	Mouth to Laurel Road	2
6. 7-16-73	Little Timber Creek	Mouth to I-295	2
7. 8-20-73	Pennsauken Creek	Mouth to confluence with north and south branches Pennsauken Creek	2
8. 8-20-73	South Branch Pennsauken Creek	Mouth to Old Marlton Pike	2
9. 8-20-73	North Branch Pennsauken Creek	Mouth to New Jersey Tpke. Including Strawbridge Lake	2
10. 8-20-73	Mantua Creek	Mouth to one-half mile upstream of the Glassboro-Crosskeys Road	2
11. 8-20-73	Chestnut Branch	Mouth to Pennsylvania-Reading Seashore lines railroad in the Borough of Glassboro	2
12. 8-20-73	Edwards Run	Mouth to 2.6 miles upstream from Jackson Road	2
13. 8-20-73	Plank Run	Mouth to 0.15 miles upstream from Route #322	2
14. 5-20-74	Shabakunk Creek	Mouth to Bull Run Road	2
15. 5-20-74	West Branch Shabakunk Creek	Mouth to Upper Ferry Road	2
16. 5-20-74	Little Shabakunk Creek	Mouth to Rider College drive upstream from the Reading Railroad	2

(d) A list of delineated streams in the Passaic-Hackensack Basin and a list of delineated streams in the Raritan Basin follow:

1. 1-17-68	Stony Brook (Millstone River)	Mouth to Province Line Road	1
2. 6-26-72	Raritan River	Mouth to confluence with north and south branches Raritan River	1
3. 10-16-72	Green Brook	Mouth to confluence with Blue Brook	1
4. 10-16-72	Neshanic River	Mouth to confluence with Third Neshanic River	1
5. 10-16-72	Third Neshanic	Mouth to Sergeantsville-Flemington Road (Route #523)	1
6. 11-20-72	Beden Brook	Mouth to footbridge 300 feet downstream from Route #518	1
7. 11-20-72	Lawrence Brook	Mouth to Deans Mill Dam	1
8. 12-18-72	Stony Brook (Millstone River)	Province Line Road to 50 feet downstream of first bridge above confluence with Peters Brook	1
9. 1-22-73	South River	Mouth to confluence with Manalapan Brook	1
10. 1-22-73	Manalapan Brook	Mouth to Smithsburg-Clarksburg Road (Route #524)	1
11. 3-19-73	Rockaway Creek	Mouth to Fairmont Road West	1
12. 3-19-73	South Branch Rockaway Creek	Mouth to private road opposite Bissel Road	1
13. 3-19-73	Drakes Brook	Mouth to Carey Road	1
14. 4-23-73	Lamington River	Mouth to 1,080 feet downstream of the Somerset-Morris County boundary line	1
15. 5-21-73	Bound Brook	Mouth to Reading Railroad bridge in Edison Township	1
16. 5-12-73	Cedar Brook	Mouth to Cedarbrook Avenue	1
17. 5-21-73	Stony Brook (Green Brook)	Mouth to confluence with east and west branches of Stony Brook	1

18.	5-21-73	East Branch Stony Brook	Mouth to private road bridge at Station 1643	1
19.	6-18-73	Millstone River	Mouth to Sweetman Lane-Perrineville Road in Millstone Township	1
20.	6-18-73	Rocky Brook	Mouth to Penn-Central Railroad Bridge in Hightstown Borough	1
21.	6-18-73	Matchaponix Brook	Mouth at confluence with South River to confluence with McGelliards Brook and Weamaconk Creek	1
22.	6-18-73	McGelliards Brook	Mouth to Gordon's Corner Road	1
23.	6-18-73	Weamaconk Creek	Mouth to Monument Avenue	1
24.	6-18-73	Wemrock Brook	Mouth to Route #33	1
25.	6-18-73	Tepehemus Brook	Mouth to Robertsville Road	1
26.	6-18-73	South Branch Tepehemus Brook	Mouth to Robertsville Road	1
27.	6-18-73	Milford Brook	Mouth to Old Bridge Road	1
28.	6-18-73	Pine Brook	Mouth to Route #9	1
29.	6-18-73	Barclay Brook	Mouth to Route #9	1
30.	9-17-73	South Branch Raritan River	Mouth to outlet of Budd Lake	1
31.	10-15-73	North Branch Raritan River	Mouth to Hackettstown Road (Route #24)	1
32.	11-18-74	Harry's Brook	Mouth to Snowden Lane	1
33.	11-18-74	Harry's Brook Branch No. 1	Mouth to Bertrand Drive	1
34.	11-18-74	Harry's Brook Branch No. 2	Mouth to intersection of Terhune Road and Harrison Street North	1
35.	11-18-74	Harry's Brook Branch No. 2-1	Mouth to Van Dyke Road	1
36.	11-18-74	Harry's Brook Branch No. 2-2	Mouth to Grove Avenue	1

The rules above were filed April 23, 1975, as R.1975 d.105 to become effective June 2, 1975.

This Notice is published as a matter of public information.  
Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### BUREAU OF SOLID WASTE MANAGEMENT

#### Revised Rules On Fees

On April 28, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 7:26-4.1 et seq., known within the Department of Environmental Protection as Docket No. DEP 021-75-02, concerning fees of the Bureau of Solid Waste Management, substantially as proposed in the Notice published March 6, 1975, at 7 N.J.R. 101(a), but with inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

These revisions in effect replace the current text of N.J.A.C. 7:26-4.1 et seq.

Full text of the adopted rules follows:

## SUBCHAPTER 4. FEES

### 7:26-4.1 General provisions

In accordance with N.J.S.A. 13:1E-18, there is hereby established a fee schedule. Said schedule shall apply to all sanitary landfill operations, incinerators, transfer stations, processing facilities, resource recovery facilities or any other methods of collection or disposal requiring registration with the Department.

### 7:26-4.2 Payment of fees

Fees shall be paid by certified check or money order and made payable to: Treasurer, State of New Jersey.

### 7:26-4.3 Fee schedule for solid waste facilities

(a) The fee schedule for solid waste facilities is:

- |  |                     |
|--|---------------------|
| 1. Annual registration fee:            | \$50.00;            |
| 2. Fee for transfer of a registration: | 50.00;              |
| 3. Inspection and regulation fee:      |                     |
| i. Solid waste facilities accepting:   | Fee per quarter     |
|  | during which wastes |
|  | are accepted:       |

- |   |           |
|---|-----------|
| (1) Hazardous wastes, nonhazardous bulk liquids, nonhazardous semiliquids and nonhazardous chemicals (in quantities greater than normally present in municipal refuse and excluding septic tank clean-out waste): | \$500.00; |
| (2) 40,000 tons or more of solid waste annually:  | 500.00;   |
| (3) Between 20,000 and 39,999 tons of solid waste annually:   | 400.00;   |
| (4) Between 10,000 and 19,999 tons of solid waste annually:   | \$300.00; |
| (5) Between 6,000 and 9,999 tons of solid waste annually:   | 200.00;   |
| (6) 5,999 tons or less of solid waste annually:   | 100.00;   |
| (7) Transfer stations and all facilities accepting septic tank clean-out waste only:  | 50.00;    |
| (8) Facilities qualifying under Section 8 of this Subchapter:   | 0.00.     |

### 7:26-4.4 Engineering design review; per design

This fee will entitle the registrant to submit or resubmit all information found deficient on the first submission until such time as the approval of the engineering design is granted or denied. The fee is \$500.00.

### 7:26-4.5 (Reserved)

### 7:26-4.6 (Reserved)

### 7:26-4.7 Fee schedule for collection and haulage

(a) Annual registration, inspection, and regulation fees are:

- |   |            |
|---|------------|
| 1. First vehicle                                    | — \$30.00; |
| 2. Each additional vehicle on the same registration | — 10.00.   |

(b) The registration of a solid waste collection and/or haulage system is nontransferable.

(c) Fees filed after July 1 shall be as follows:

1. If initially submitted on or after January 1, be 50 per cent of the full year's registration fee; or
2. If initially submitted on or after April 1, be 25 per cent of the full year's registration.

(d) Partial fees paid shall only cover the fee requirement until July 1, of the year in which they were paid.

7:26-4.8 Exemption from fee payment

(a)

(a) Any solid waste facility is exempt from payment of annual registration, inspection and regulation fees provided that:

1. The facility is operated solely for the purpose of composting leaf and other vegetative yard wastes; and
2. The operation of the facility does not require a certificate of public convenience and necessity issued by the Board of Public Utility Commissioners; and
3. The annual updated registration statement form (N.J.B.S.W.M.-41) filed with the Department prior to May 1 of each calendar year, is accompanied by a certification, executed by the operator of the facility on forms supplied by the Department, that the facility qualifies under the conditions set forth above.

(b) A sanitary landfill or transfer station is exempt from payment of inspection and regulation fee provided that:

1. The operation of the facility does not require a certificate of public convenience and necessity issued by the Board of Public Utility Commissioners; and
2. The facility is limited to municipal waste of the residents of the host municipality; and
3. The solid waste facility is operated in a municipality having a population, based upon the most recent United States decennial census, of 5,000 or less or the facility is limited to residents of the host municipality hauling their own household refuse; and

4. The annual updated registration statement form (N.J.B.S.W.M.-41) filed with the Department prior to May 1 of each calendar year, is accompanied by a certification, executed by the operator of the facility on forms supplied by the Department, that the facility qualifies under the conditions set forth above.

(c) Fees are not required for any solid waste facility or vehicle whose registrant is an agency of the New Jersey State Government.

(d) Fees are not required for any solid waste facility whose registrant is the Federal Government and whose operation is conducted on Federal lands. Specifically not exempt are Federal vehicles transporting solid waste to a solid waste facility registered with the Department.

(e) Persons hauling only their own household refuse in vehicles bearing passenger license plates or persons hauling solid waste in vehicles registered with the New Jersey Division of Motor Vehicles as having a maximum gross weight of 5,000 pounds, need not pay a registration fee to the Department.

7:26-4.9 Time for submission of fee

(a) The times for submission of fees are as follows:

1. Annual registration: July 1;
2. Transfer of registration: At the time of submission of updated registration statement;
3. Inspection and regulation: July 1, October 1, January 1 and April 1;
4. Engineering design review: At the time of submission; and
5. Collector/hauler registration: July 1.

An order adopting these revised rules was filed April 28, 1975, as R.1975 d.110 to become effective April 29, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

# ENVIRONMENTAL PROTECTION

## DIVISION OF WATER RESOURCES

### Revisions on Shellfish Beds

On May 1, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions, known within the Department of Environmental Protection as Docket No. DEP 029-75-03, to Chapter 12 in Title 7 of the New Jersey Administrative Code, concerning shellfish beds, substantially as proposed in the Notice published April 10, 1975, at 7 N.J.R. 149(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Following is a **synopsis** of the substantive changes made in these revisions:

Total acres changes with issuance of these Rules and Regulations:

Total Acres Upgraded	2,135
Total Acres Downgraded	2,353
Net Loss In Acres	218

The following paragraphs represent areas which have been closed to shellfishing by emergency orders previously filed:

39(a) Approximately 74,400 acres of the Atlantic Ocean from Sandy Hook to Beach Haven Inlet were closed on an interim basis in 1972. This action now makes that closure permanent and enforceable.

39(b) Approximately 1,600 acres of the Atlantic Ocean off Absecon Inlet were placed off limits in 1974.

39(c) Approximately 16,500 acres of the Atlantic Ocean off Cape May were closed by emergency order effective January 27, 1975.

The following changes have been incorporated into the attached shellfish growing water classification. The changes have been accumulated during a one-year period.

15(a) Approximately 900 acres along the western shoreline of Barnegat Bay in the Oyster Creek to Double Creek area is downgraded from Approved to Condemned. The closure is based on a reappraisal report.

16(b, c, d) Approximately 1,050 acres along the eastern shoreline of Barnegat Bay between Carvel Island and Holgate is upgraded from Condemned to Seasonal. The upgrading is based on a special investigation and a change in the rules and regulations concerning seasonal areas.

21(a, b) Approximately 20 acres in Tuckerton Cove downgraded from Seasonal to Condemned. This downgrading is based on a reappraisal report.

23(a) Approximately 300 acres in the Mullica River is downgraded from Approved to Condemned. This downgrading is based on a reappraisal report.

25(b) Approximately 135 acres in Bonita Tideway is upgraded from Condemned to Seasonal. This action is based on a special investigation and a change in the rules and regulations concerning seasonal areas.

28(i) Approximately 275 acres of Peck Bay is downgraded from Approved to Condemned. This action is based on a Sanitary Survey report.

33(1) Approximately 25 acres of Great Sound adjacent to Holmes Creek is downgraded from Approved to Condemned. This action is based on a reappraisal report.

37(a) Approximately 833 acres of the Delaware Bay near Cape Map Point is downgraded from Approved to Condemned. This action is based on a Sanitary Survey report.

37(g) Approximately 950 acres of the Delaware Bay near East Point upgraded from Condemned to Seasonal. This is based on a Sanitary Survey.

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An order adopting these revised rules was filed and effective May 1, 1975, as R.1975 d.116.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Revisions in Construction and Practice Where Rules Do Not Govern

On May 19, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions, known within the Department of Environmental Protection as Docket No. DEP-034-75-03, to the rules on the construction and practice of surface water quality standards where rules do not govern, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 144(b).

The revisions concern the adoption of new text for N.J.A.C. 7:9-4.2 and the deletion of the current text of N.J.A.C. 7:9-4.3 with the latter Section now to be marked as Reserved.

An order adopting these revisions was filed and effective May 19, 1975, as R.1975 d.132.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Rule on Mussels

On May 19, 1975, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted N.J.A.C. 7:25-7.11 concerning mussels, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 146(a). Such rule is known within the Department of Environmental Protection as Docket No. DEP-032-75-03.

An order adopting this rule was filed and effective May 19, 1975, as R.1975 d.133.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Revisions on Jurisdiction Of the Bureau of Parks

On May 19, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1-26(3), 13:1B-3.3, 13:8-20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions, known within the Department of Environmental Protection as Docket No. DEP-031-75-03, on the jurisdiction of the Bureau of Parks, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 141(b).

These revisions concern the deletion in their entireties of the current text of Subchapters 14 and 15 of Chapter 2 in Title 7 of the New Jersey Administrative Code and the adoption of new text for Subchapter 14, Round Valley and Spruce Run Reservoirs, in place thereof. Subchapter 15 therein will be marked as Reserved.

An order adopting these revisions was filed and effective May 19, 1975, as R.1975 d.134.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Adoption of Emergency Rules on Sampling and Analytical Procedures For Determining Emissions of Particles From Manufacturing Processes and From Combustion of Fuel; Notice of Hearing

On May 20, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 26:2C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules on the sampling and analytical procedures for determining emissions from particles from manufacturing processes, to be cited as N.J.A.C. 7:27B-1.1 et seq. and known within the Department of Environmental Protection as Docket No. DEP-040-75-05, as well as emergency rules on the sampling and analytical procedures for determining emissions of solid particles from the combustion of fuel, to be cited as N.J.A.C. 7:27B-3.1 et seq. and known within the Department of Environmental Protection as Docket No. DEP-041-75-05.

These rules were filed and effective May 20, 1975, as R.1975 d.135 and R.1975 d.136 (Exempt, Emergency Rules) respectively.

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Regarding the two above mentioned rules and the emergency rules on the procedures for the visual determination of the opacity (per cent) and shade or appearance (Ringelmann Number) of emissions from sources which were filed and effective March 20, 1975, as R.1975 d.76 and appeared

in the April 10, 1975, issue of the New Jersey Register at 7 N.J.R. 144(a) and are cited as N.J.A.C. 7:27B-2.1 et seq., the Department of Environmental Protection proposes to hold a public hearing concerning the above-mentioned emergency rules for the purpose of readopting the same and affording interested parties the opportunity to comment on this action.

Written and/or oral testimony concerning these rules will be received at the public hearing to be held July 8, 1975, from 9:00 A.M. until completion of testimony at:

Auditorium, first floor  
Health-Agriculture Building  
John Fitch Plaza  
Trenton, New Jersey

Copies of the proposed rules and bases therefore may be obtained from, and written testimony also will be accepted, at any time prior to the 30th day following the conclusion of the announced hearing by:

Thomas M. Leonard Jr.  
Supervisor, Stationary Source Control  
Bureau of Air Pollution Control  
Department of Environmental Protection  
P. O. Box 2807  
Trenton, New Jersey 08625

Copies of this notice, of the proposed regulations and of the basis and background document are being deposited and will be available for inspection during normal office hours until the closing of the hearing record 30 days after the day of hearing at:

Atlantic County Health Department  
1200 Harding Highway  
Mays Landing, New Jersey 08330  
N.J. Bureau of Air Pollution Control  
Room 1108, Labor & Industry Bldg.  
John Fitch Plaza  
Trenton, New Jersey 08625  
N.J. Bureau of Air Pollution Control  
Metropolitan Field Office  
25 Route 22  
Springfield, New Jersey 07081  
N.J. Bureau of Air Pollution Control  
Newark Field Office  
Room 510, 1100 Raymond Boulevard  
Newark, New Jersey 07102  
N.J. Bureau of Air Pollution Control  
Southern Field Office  
5635 Westfield Avenue  
Pennsauken, New Jersey 08110  
Warren County Health Department  
151 West Washington Avenue  
Washington, New Jersey 07882

This hearing is being held in accordance with the provisions of the Air Pollution Control Act (1954), as amended by Chapter 106 P.L. 1967.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may adopt these rules substantially as proposed or adopted as emergency rules without further notice after the close of the hearing record.

David J. Bardin  
Commissioner  
Department of Environmental Protection

(a)

(Joint Adoption)

## HEALTH

THE COMMISSIONER

## INSURANCE

THE COMMISSIONER

### Emergency Rules on 1975 Hospital Rate Review Program Guidelines

On May 2, 1975, Dr. Joanne E. Finley, Commissioner of Health, and James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 26:2H-1 et seq., 17:48-7, with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules concerning 1975 Hospital Rate Review Program Guidelines.

Such rules will appear in Subchapter 14 of Chapter 31 in Title 8, Health, of the New Jersey Administrative Code and in the new Chapter 10 of Title 11, Insurance, of the New Jersey Administrative Code.

A public hearing will be conducted on Wednesday, June 11, 1975, beginning at 10:00 A.M. in the main ballroom, War Memorial Building, Trenton, to receive comments, statements and arguments concerning these regulations which will be in effect for a period not to exceed 60 days from the effective date (May 5, 1975) of the emergency rule.

Persons wishing to present statements or arguments at this hearing will be required to notify the State Department of Health so that such individuals may be scheduled to appear at interims not exceeding ten minutes or at the discretion of the hearing officer during the course of the hearing. Other persons wishing to comment but without notifying the Department will be given an opportunity to be heard toward the conclusion of the hearing.

Written communications concerning this matter may be sent to the Department by writing to the person listed below on or before June 11, 1975, and copies of 37 pages of the Guidelines may be requested from:

Cathleen Maloney, Chief  
Health Facilities Analysis  
Room 405 - Health-Agriculture Bldg.  
John Fitch Plaza  
Trenton, N.J. 08625

An order adopting these rules was filed and effective May 5, 1975, as R.1975 d.117 (Exempt, Emergency Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### CONSUMER HEALTH SERVICES

#### Proposed Amendment on Requirements Of Schedule II Prescriptions

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to adopt an amendment to N.J.A.C. 8:65-7.8, concerning requirements of Schedule II prescriptions.

Full text of the proposed amendment follows:

8:65-7.8(e)

A practitioner shall not prescribe or dispense a Schedule II controlled substance to an individual patient in excess of 120 dosage forms or a 30 days supply, whichever is the lesser amount.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to:

Donald J. Foley  
Chief, Drug Control  
1911 Princeton Avenue  
Trenton, N.J. 08638

The Department of Health, upon its own motion or at the instance of any interested party, may thereafter adopt this amendment substantially as proposed without further notice.

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### HEALTH CARE ADMINISTRATION BOARD

#### Proposed Rule on Hospital Long Range Plans

The State Department of Health, pursuant to authority of N.J.S.A. 26:2H-12 and with the approval of the Health Care Administration Board, proposes to adopt a new rule on the implementation of long range plan requirements of N.J.S.A. 26:2H-1 et seq.

Full text of the proposed rule follows:

#### SUBCHAPTER 16. HOSPITAL LONG-RANGE PLANS

##### 8:31-16.1 Implementation of long range plan requirements

(a) A planning process designed to satisfy the requirement of N.J.S.A. 26:2H-12 is described in the "Planning Guide for Hospital Long Range Plans," published by the New Jersey State Department of Health in March, 1975. All hospitals shall prepare and submit two copies of their long range plan to the Department of Health no later than 18 months from the effective date of this regulation. Thereafter, the succeeding plans shall be prepared and submitted on an annual basis.

(b) Under the direction of the governing body of the hospi-

tal, the plan shall be prepared by a committee consisting of representatives of the governing body, the administrative staff, the medical staff and the community served by the hospital.

(c) The long range plan shall contain the following information:

1. Data base at least by county:
  - i. Demographic profile;
  - ii. Health status indicators;
  - iii. A description of other health services and providers;
  - iv. Relationships of the institution to those services and providers;
  - v. A description of the hospital to include at least the following:
    - (1) Patient origin studies by major services;
    - (2) Health professional staff;
    - (3) Utilization patterns by service;
    - (4) Fiscal data.
2. Forecast of important data: Forecasts at least five years into the future to indicate possible trends for health care needs, services and the institution's capacities.
3. Analysis of external forces impacting on the hospital;
4. Mission statement;
5. Goals in order of priority;
6. Measurable objectives;
7. Alternative courses of action;
8. Selected courses of action;
9. Implementation strategies;
10. Actions requiring certificate of need approval or Section 1122 approval P.L. 92-603 for five years into the future are identified;
11. A capital resources plan;
12. Evaluation.

A public hearing respecting this proposed action will be held to receive comments, statements, recommendations and arguments on June 23, 1975, at 10:00 A.M. in Training Room B of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to:

John B. Reiss  
Assistant Commissioner for Health  
Planning and Resource Development  
State Department of Health  
P. O. Box 1540  
Trenton, N. J. 08625

The Department of Health, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(c)

## HEALTH

### NURSING HOME ADMINISTRATOR'S LICENSING BOARD

#### Proposed Revisions Concerning License

The State Department of Health, pursuant to N.J.S.A.

26:2H-28 and with the approval of the Nursing Home Administrator's Licensing Board, proposes to revise N.J.A.C. 8:34-1.18(a)3. concerning the refusal, suspension and revocation of licenses.

**Full text** of the proposed revisions follows (deletions indicated in brackets [thus]):

8:34-1.18 (a) 3. Any person who has ever been convicted of a crime involving moral turpitude or of violating the provisions of P.L. 1968, c.356 or these rules by a court of competent jurisdiction or has admitted such guilt [shall not be issued a license];

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to:

John Haney  
Executive Secretary  
Nursing Home Administrator's  
Licensing Board  
P.O. Box 1540  
Trenton, N.J. 08625

The Department of Health, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### PUBLIC HEALTH COUNCIL

#### Rules on Immunization Of Pupils in School

On May 15, 1975, Michael S. Kachosky, Chairman of the Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules on immunization of pupils in school, substantially as proposed in the Notice published April 10, 1975, at 7 N.J.R. 154(a), with only inconsequential structural or language changes, in the opinion of the Department of Health.

Such rules may be cited as N.J.A.C. 8:57-4.1 et seq.

An order adopting these rules was filed and effective May 16, 1975, as R.1975 d.121.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Notice on Adoption of Rule On Definition of Rehabilitation Services

Take notice that, in the Notice of Adoption of the rule on the definition of rehabilitation services appearing in the April 10,

1975, issue of the New Jersey Register at 7 N.J.R. 164(f), the first paragraph therein indicated that this rule was adopted as proposed in the Notice published December 5, 1974, at 6 N.J.R. 471(a). It should have read that the rule was adopted substantially as proposed, but with substantive changes not detrimental to the public, in the opinion of the Department of Health.

The main change was the substitution of the word "services" for the word "bed" in the original proposal.

For clarification, the **full text of the adopted rule** follows:

8:32-1.19 Definition of rehabilitation services

(a) Rehabilitation services are those services located in a Class A or Class B rehabilitation facility as defined by this regulation.

(b) Class A facility means:

1. A Class A rehabilitation facility is an organizational and physical entity in which a soundly based program of integrated and coordinated services is provided. The services are directed toward the physical, emotional, mental, social and vocational restoration and adjustment of handicapped disabled children and adults. The services consist of evaluation, treatment, education, training and placement and are provided by competent personnel especially qualified in the various phases of the rehabilitation process.

2. While the primary purpose of a rehabilitation facility or center is to assist its patients to achieve the optimum level of functioning for which they are capable, to accomplish this purpose, the facility may operate one or more programs as follows:

i. Primary emphasis of the program is physical restoration, supported by social and/or vocational adjustment services;

ii. Primary emphasis of the program is social adjustment, supported by appropriate medical and vocational adjustment services;

iii. Primary emphasis of the program is vocational adjustment, supported by appropriate medical and social adjustment services;

iv. The primary emphasis of the program is the provision of sheltered remunerative employment within the facility;

v. Primary emphasis of the facility is speech pathology supported by appropriate audiological, medical, social and/or vocational adjustment services;

vi. Primary emphasis of the facility is audiology supported by appropriate speech pathology, medical, social and/or vocational adjustment services.

3. Within this context, a rehabilitation center/facility shall have final responsibility for a patient's program at the center. This shall include, but not be limited to, decisions as to the professional soundness of the admitting diagnosis, prescription and course of treatment. Acceptance or professional review of the diagnosis and prescription provided by the referring source is the responsibility of the center and acceptance of any patients for service within the center must be consistent with the goals of the center. Final determination of the patient's diagnosis, prescription and course of treatment, or acceptance of the diagnosis and prescription of referring sources, must be made by competent professional personnel subject to the authority of the center. In the case of medical aspects, such personnel shall be duly recognized and licensed to practice medicine.

4. A "Class A facility" at a minimum must provide the following services:

i. Required direct services:

(1) Rehabilitation medicine - full time;

- (2) Restorative nursing;
- (3) Physical therapy;
- (4) Occupational therapy;
- (5) Social services;
- (6) Prevocational evaluation;
- (7) Designated inpatient rehabilitation beds.
- ii. Required consultative services:
  - (1) Testing, fitting or training in the use of prosthetic and orthotic devices;
  - (2) Psychological services;
  - (3) Speech and hearing services.
- iii. Desirable services:
  - (1) Recreational therapy;
  - (2) Work adjustment;
  - (3) Vocational training.
- (c) A Class B rehabilitation facility is an organizational and physical entity in which a soundly based program of integrated and coordinated services is provided. The services are directed toward the physical, emotional, mental, social and vocational restoration and adjustment of handicapped disabled children and adults. The services are provided by competent personnel, especially qualified in the various phases of the rehabilitation process:
  - 1. A "Class B facility" at a minimum will be required to have available:
    - i. Required direct services:
      - (1) Restorative nursing;
      - (2) Physical therapy;
      - (3) Occupational therapy;
      - (4) Social services.
    - ii. Required consultative services:
      - (1) Rehabilitation medicine;
      - (2) Speech and hearing;
      - (3) Psychological services;
      - (4) Testing, fitting or training in the use of prosthetic and orthotic devices.
    - iii. Desirable services:
      - (1) Prevocational evaluation;
      - (2) Recreational therapy;
      - (3) Work adjustment;
      - (4) Vocational training;
      - (5) Available inpatient rehabilitation beds.

Note: Definitions have been developed from the definition of a rehabilitation center as described in "Standards Manual for Rehabilitation Facilities", Commission on Accreditation of Rehabilitation Facilities, September, 1970.

This Notice is published as a matter of public information.  
 Thomas F. Kistner  
 Director of Administrative Procedure  
 Department of State

(a)

## INSTITUTIONS AND AGENCIES

### THE COMMISSIONER

#### Proposed Revised Manual of Standards for Shelters Accepting Juveniles Awaiting Court Disposition

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12, proposes to adopt a

revised manual of standards for shelters accepting juveniles awaiting court disposition. Such a revised manual, if adopted, will replace the current text of Chapter 124 in Title 10 of the New Jersey Administrative Code.

The proposed revisions concern policy, definitions, legal basis, principles and goals, general requirements, standards of size, specification and regulation, organization and administration, procedures, programs, staff, physical accommodations, transportation, records and reports and variances, exceptions and revisions.

**Full text** of the 40 pages of the proposed revisions are available for inspection at the office of the task force on the Juvenile Code, 135 West Hanover Street, Trenton, New Jersey 08625.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to: the task force on the Juvenile Code at the above address.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt this revised manual substantially as proposed without further notice.

Ann Klein  
 Commissioner  
 Department of Institutions and Agencies

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MENTAL RETARDATION

#### Proposed Manual of Standards for Private Licensed Institutions for the Mentally Retarded

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12, proposes to adopt a new manual of standards for private licensed institutions for the mentally retarded. Such rules, if adopted, will be included in a new Chapter 47 of Title 10 in the New Jersey Administrative Code.

The proposed 81 pages of new rules concern general information, definitions and method of application, administrative regulations, general operational regulations and standards regarding physical plant, fire protection, safety and sanitation.

**Copies of the full text** of these proposed standards are available for inspection at the office of the Division of Mental Retardation, Department of Institutions and Agencies, 169 West Hanover Street, Trenton, New Jersey 08625.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to the Division of Mental Retardation at the above address.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Ann Klein  
 Commissioner  
 Department of Institutions and Agencies

(Continued on page 28)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted.

The index is current, covering all rules adopted through last month. It is adjusted in the month during which a mailing of

Code update pages is being made.

Since the most recent update, the various State Departments have adopted the following rules — which have been printed in the Register but are not yet included in current pages of the Code:

## RULES NOT YET PRINTED IN CODE

N.J.A.C. Citation		Document Citation	Adoption Notice (N.J.R. Citation)
<b>AGRICULTURE — TITLE 2</b>			
2:3-2.5	Revisions on equidae entering New Jersey	R. 1975 d.83	7 N.J.R. 190(d)
2:3-2.11	Revisions on quarantine of imported breeding swine	R. 1975 d.80	7 N.J.R. 190(a)
2:3-3.6	Revisions on quarantine of imported feeder swine	R. 1975 d.80	7 N.J.R. 190(a)
2:5-2.1(f)	Revisions for quarantining and branding of infectious anemia horses	R. 1974 d.256	6 N.J.R. 386(c)
2:5-2.2	Horses consigned from out-of-State to horse auction markets	R. 1974 d.255	6 N.J.R. 386(b)
2:7-1.1	Fees for inspections on State holidays	R. 1974 d.300	6 N.J.R. 462(a)
2:33-1.1	Agricultural fairs	R. 1974 d.254	6 N.J.R. 386(a)
2:48-6.3	Sales of milk in three-quart containers	R. 1975 d.82	7 N.J.R. 190(c)
2:54-3.4	Amendment on handling of milk in New Jersey marketing areas	R. 1974 d.283	6 N.J.R. 422(a)
2:54-3.5	Amendment to milk handling order	R. 1975 d.44	7 N.J.R. 126(a)
2:54-3.6	Milk handling order for various New Jersey areas	R. 1975 d.125	7 N.J.R. 246(b)
2:71-5.1 et seq.	Revisions on marking open and closed packages of potatoes	R. 1975 d.81	7 N.J.R. 190(b)
2:71-5.7(b)	Amend rule on interpretation of persons	R. 1975 d.126	7 N.J.R. 247(a)
<b>BANKING — TITLE 3</b>			
3:1-1.1	Revised interest rate	R. 1974 d.247	6 N.J.R. 387(b)
3:1-1.1	Revisions concerning interest rates	R. 1975 d.21	7 N.J.R. 94(b)
3:1-2.26	Fees; conversion from mutual to capital stock association	R. 1974 d.298	6 N.J.R. 463(c)
3:1-6.1 et seq.	Rules on fees	R. 1974 d.221	6 N.J.R. 342(a)
3:1-7.1 et seq.	Miscellaneous fees	R. 1975 d.120	7 N.J.R. 247(c)
3:6-8.1	Registrar and transfer agents filings	R. 1974 d.177	6 N.J.R. 297(a)
3:6-8.1	Rescind rule on registrars and transfer agents	R. 1974 d.314	6 N.J.R. 464(a)
3:7-2.1 et seq.	Revisions on safe and sound methods of banking	R. 1975 d.71	7 N.J.R. 128(d)
3:7-4.1 et seq.	Delete entire text and reserve	R. 1975 d.71	7 N.J.R. 128(d)
3:8-3.1	Revisions on reserves of banks not members of Federal Reserve System	R. 1974 d.350	7 N.J.R. 45(b)
3:8-3.1(a)4.	Revision on required reserves for banks not members of Federal Reserve System	R. 1975 d.40	7 N.J.R. 128(c)
3:8-5.1	Revisions on reserve required by savings banks	R. 1974 d.357	7 N.J.R. 45(a)
3:8-5.1	Revisions on reserves required by savings banks	R. 1975 d.39	7 N.J.R. 128(b)
3:11-7.7	Exclusion of time balances on deposit from ten per cent limitation	R. 1975 d.115	7 N.J.R. 247(b)
3:12-1.1 et seq.	Rules on registrars and transfer agents	R. 1974 d.314	6 N.J.R. 464(a)
3:18-9.1 et seq.	Interest rate regulation Number 1	R. 1974 d.199	6 N.J.R. 298(a)
3:18-9.1	Revised interest rate Regulation 2 for secondary mortgages	R. 1975 d.53	7 N.J.R. 128(a)
3:27-5.1 et seq.	Revisions on limitations and excludable loans	R. 1975 d.106	7 N.J.R. 198(a)
<b>CIVIL SERVICE — TITLE 4</b>			
4:1-17.24	Payments to State employees for unused sick leave	R. 1974 d.257	6 N.J.R. 388(a)
4:1-17.24 (h) & (i)	Retirees' payment concerning unused sick leave	R. 1975 d.2	7 N.J.R. 46(a)
4:1-17.24 (j)	Employees of A. Harry Moore School and unused sick leave payments	R. 1975 d.1	7 N.J.R. 45(c)
<b>COMMUNITY AFFAIRS — TITLE 5</b>			
5:10-1.1 et seq.	Revisions for construction and maintenance of hotels	R. 1974 d.206	6 N.J.R. 301(a)
5:21-2.1(a)2.	Revisions to Uniform Standard Code for mobile homes	R. 1974 d.275	6 N.J.R. 427(b)
5:30-1.7	Implementation of Housing and Community Development Act of 1974	R. 1974 d.342	7 N.J.R. 2(c)
5:30-13.3	Tax sale certificates for unpaid municipal liens	R. 1975 d.107	7 N.J.R. 201(b)

## EDUCATION — TITLE 6

6:3-1.1	Amendment on acting administrators	R. 1975 d.98	7 N.J.R. 203(a)
6:3-1.3	Delete in its entirety and mark Reserved	R. 1975 d.124	7 N.J.R. 251(b)
6:3-2.1 et seq.	New rules on pupil records	R. 1975 d.124	7 N.J.R. 251(b)
6:4-1.1 et seq.	Equality in educational programs	R. 1975 d.137	7 N.J.R. 252(a)
6:8-1.1 et seq.	Repeal rules on nonpublic school secular education	R. 1974 d.246	6 N.J.R. 390(b)
6:11-12.21	Educational media specialist	R. 1975 d.123	7 N.J.R. 251(b)
6:11-12.22	Associate educational media specialist	R. 1975 d.123	7 N.J.R. 251(b)
6:11-12.23	Policies governing issuance of certificates in educational media	R. 1975 d.123	7 N.J.R. 251(b)
6:20-4.1 et seq.	Revisions to rules concerning determination of tuition formula	R. 1974 d.241	6 N.J.R. 390(a)
6:20-6.1 et seq.	Purchase and loan of textbooks	R. 1974 d.240	6 N.J.R. 389(a)
6:21-1.4	Retirement of school buses	R. 1974 d.176	6 N.J.R. 302(c)
6:21-2.2	Registration revisions	R. 1975 d.5	7 N.J.R. 46(b)
6:21-2.6	Registration procedures	R. 1975 d.5	7 N.J.R. 46(b)
6:21-6.31(f)	Stanchions and guardrails	R. 1975 d.6	7 N.J.R. 46(c)
6:21-18.25(3)	Stanchions and handrails	R. 1975 d.6	7 N.J.R. 46(c)
6:22-5.1(d)	Revised general provisions	R. 1975 d.7	7 N.J.R. 47(a)
6:22-9.1	Revisions on mechanical air supply	R. 1975 d.7	7 N.J.R. 47(a)
6:37-1.1 et seq.	Educational centers of research and demonstration	R. 1974 d.173	6 N.J.R. 301(e)
6:39-1.2 and			
6:39-1.3	Revisions to educational assessment program	R. 1975 d.122	7 N.J.R. 251(a)
6:39-1.3(e)	Rescind rule on evaluation and interpretation of data	R. 1974 d.304	6 N.J.R. 470(b)
6:47-1.2(h)	Vocational-management services	R. 1974 d.174	6 N.J.R. 301(c)
6:68-4.1 et seq.	State library assistance programs	R. 1974 d.175	6 N.J.R. 302(a)
6:79-1.8	Guidelines for free and reduced-price lunches	R. 1974 d.198	6 N.J.R. 302(e)

## ENVIRONMENTAL PROTECTION — TITLE 7

7:2-2.13	Revised charges at State parks	R. 1975 d.75	7 N.J.R. 151(b)
7:2-14.1 et seq.	Revised rules on Round Valley and Spruce Run Reservoirs	R. 1975 d.134	7 N.J.R. 261(c)
7:2-15.1 et seq.	Delete entire current text and mark Subchapter as Reserved	R. 1975 d.134	7 N.J.R. 261(c)
7:7A-1.1(a)14.	Extend wetland order to portions of Salem County	R. 1974 d.188	6 N.J.R. 306(a)
7:7A-1.1(a)15.	Extend Wetlands Order to parts of Cumberland County	R. 1975 d.32	7 N.J.R. 103(a)
7:9-4.1 et seq.	Revise surface water quality standards	R. 1974 d.310	6 N.J.R. 470(c)
7:9-4.2	Revised rules on construction and practice where rules do not govern	R. 1975 d.132	7 N.J.R. 261(a)
7:9-4.3	Delete current text and mark this Section as Reserved	R. 1975 d.132	7 N.J.R. 261(a)
7:9-5.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-6.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-7.1 et seq.	Current text deleted in its entirety	R. 1974 d.310	6 N.J.R. 470(c)
7:9-8.38 et seq.	Transfer treatment standard rules formerly cited as N.J.A.C. 7:9-7.29 - .34	R. 1974 d.310	6 N.J.R. 470(c)
7:11-2.1 et seq.	Revised general rate schedule for Delaware and Raritan Canal water	R. 1974 d.362	7 N.J.R. 49(a)
7:11-3.1 et seq.	Revised rules on use of water from Delaware and Raritan canal	R. 1974 d.363	7 N.J.R. 50(a)
7:12-1.1	Revised rules on shellfish beds	R. 1975 d.116	7 N.J.R. 260(a)
7:12-1.2(a)39.	Condemn shellfish beds in portion of Atlantic Ocean	R. 1974 d.336	7 N.J.R. 6 (b)
7:12-1.2(a)40.	Condemnation of certain shellfish beds	R. 1975 d.51	7 N.J.R. 152(a)
7:12-1.2(a)39.	Revised condemnations of shellfish beds in Atlantic Ocean	R. 1975 d.18	7 N.J.R. 102(a)
7:12-1.3	Opening of certain shellfish beds	R. 1975 d.27	7 N.J.R. 102(c)
7:13-1.1 et seq.	Land use rules applicable to all delineated floodways	R. 1975 d.105	7 N.J.R. 206(b)
7:15-1.1 et seq.	Guidelines under N.J. Industrial Pollution Control Financing Law	R. 1974 d.268	6 N.J.R. 394(b)
7:20-6.1	Criteria for floodway and flood hazard area delineation	R. 1975 d.104	7 N.J.R. 207(a)
7:25-6.1 et seq.	1975 Fish Code	R. 1974 d.253	6 N.J.R. 394(a)
7:25-7.10	Oyster seed beds for 1975 season	R. 1975 d.74	7 N.J.R. 151(a)
7:25-7.11	Rule on mussels	R. 1975 d.133	7 N.J.R. 261(b)
7:25-11.1	List of endangered species	R. 1974 d.348	7 N.J.R. 6 (c)
7:26-2.5 et seq.	Revisions on rules of Bureau of Solid Waste Management	R. 1974 d.234	6 N.J.R. 343(c)
7:26-2.6(d)4.	Revised effective date for solid waste facilities	R. 1975 d.66	7 N.J.R. 149(b)
7:26-4.1 et seq.	Revised fee schedule	R. 1975 d.110	7 N.J.R. 259(a)
7:27-15.4(b)	Postponement of Phase II of auto emission inspection standards	R. 1975 d.22	7 N.J.R. 102(b)
7:27B-1.1 et seq.	Sampling and analytical procedures	R. 1974 d.360	7 N.J.R. 48(a)
7:27B-1.1 et seq.	Emissions from particles from manufacturing processes	R. 1975 d.136	7 N.J.R. 261(d)
7:27B-2.1 et seq.	Procedures for visual determination of emissions from sources	R. 1975 d.76	7 N.J.R. 144(a)
7:27B-3.1 et seq.	Emissions of solid particles from combustion of fuel	R. 1975 d.135	7 N.J.R. 261(d)

## HEALTH — TITLE 8

8:8-1.2 et seq.	Revisions for processing, storage and distribution of blood	R. 1974 d.334	7 N.J.R. 7(a)
8:13-1.1 et seq.	Sanitation, handling, shipping and shucking of shellfish	R. 1974 d.185	6 N.J.R. 310(b)
8:21-2.38	Bacteriological standards for potentially hazardous foods	R. 1974 d.204	6 N.J.R. 311(a)
8:21-4.44	Amend rule on expiration dates for fluid milk products	R. 1974 d.361	7 N.J.R. 56(b)
8:21-9.3(a)	Delete exemption for wholesale handling of raw shellfish	R. 1974 d.184	6 N.J.R. 310(a)
8:31-10.1	Licensing of drug-related facilities	R. 1974 d.193	6 N.J.R. 310(c)
8:31-11.1	Voluntary discontinuance of regular service in any health care facility	R. 1974 d.195	6 N.J.R. 310(e)
8:31-14.1 et seq.	1975 hospital rate review	R. 1975 d.54	7 N.J.R. 152(b)
8:32-1.1 et seq.	1974-75 State Plan for hospitals and related health care services	R. 1974 d.196	6 N.J.R. 310(f)
8:32-1.18	Definition of rehabilitation services	R. 1975 d.77	7 N.J.R. 164(f)
8:32-3.1	Procedures for adjustment of State Plan for hospitals	R. 1974 d.260	6 N.J.R. 397(b)
8:32-3.1	Revisions for adjustment of State Plan	R. 1974 d.318	6 N.J.R. 472(d)
8:33-1.11	Continuation of mixing skilled nursing facilities and intermediate care beds, levels A and B	R. 1974 d.315	6 N.J.R. 472(a)
8:33-1.11	Revised policy on skilled nursing and intermediate care beds	R. 1974 d.317	6 N.J.R. 472(c)
8:33-1.11(b)	Revisions on extension of program of multiple levels of care	R. 1975 d.61	7 N.J.R. 164(e)
8:33-1.12	Processing of certificate of need applications	R. 1974 d.194	6 N.J.R. 310(d)
8:33-1.13	Scheduling and completing hearings for certificate of need applicants	R. 1974 d.269	6 N.J.R. 397(d)
8:35-1.1 et seq.	Revised criteria on mixed obstetric and gynecologic floors	R. 1975 d.60	7 N.J.R. 164(c)
8:38-1.1 et seq.	Rules concerning HMOs	R. 1974 d.320	6 N.J.R. 473(a)
8:40-4.1 et seq.	Interim regulations for abortion facilities with temporary license	R. 1974 d.215	6 N.J.R. 345(c)
8:40-5.1	Reporting abortions performed in hospitals	R. 1974 d.316	6 N.J.R. 472(b)
8:43-1.1 et seq.	Boarding home for sheltered care	R. 1974 d.319	6 N.J.R. 472(e)
8:57-4.1 et seq.	Immunization of pupils in school	R. 1975 d.121	7 N.J.R. 264(a)
8:64-3.1	Definition of soap	R. 1975 d.103	7 N.J.R. 211(b)
8:65-2.4(c)	Revisions concerning other security controls for nonpractitioners	R. 1974 d.261	6 N.J.R. 397(c)
8:65-6.8(a)4.	Amendment on persons entitled to fill order forms	R. 1975 d.56	7 N.J.R. 164(a)
8:65-7.3(c)	Amendment on persons entitled to issue prescriptions	R. 1975 d.58	7 N.J.R. 164(b)
8:65-7.6	Revisions on persons entitled to fill prescriptions	R. 1975 d.55	7 N.J.R. 155(a)
8:65-11.1 et seq.	Narcotic treatment program	R. 1975 d.59	7 N.J.R. 164(c)

## HIGHER EDUCATION — TITLE 9

9:2-7.6(c)	Revised functions of Committee on Appeals	R. 1975 d.36	7 N.J.R. 104(a)
9:4-7.1 et seq.	Tenure guidelines for community colleges	R. 1974 d.210	6 N.J.R. 345(d)

## INSTITUTIONS AND AGENCIES — TITLE 10

10:35-1.1 et seq.	Revised standards	R. 1975 d.108	7 N.J.R. 272(a)
10:35-7.4(b) et seq.	Revised standards	R. 1974 d.273	6 N.J.R. 432(b)
10:35-18.7	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-19.12	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-28.7	Correspondence in a language other than English	R. 1974 d.356	7 N.J.R. 59(b)
10:35-60.3(b)	Revised fee schedules	R. 1974 d.356	7 N.J.R. 59(b)
10:35-60.5	Waiver of payment by court order	R. 1974 d.356	7 N.J.R. 59(b)
10:35-63.1 et seq.	Inmate responsibility for personal property of substantial value	R. 1974 d.273	6 N.J.R. 432(b)
10:35-64.1 et seq.	Inmate marriages	R. 1974 d.273	6 N.J.R. 432(b)
10:35-65.1 et seq.	Volunteers in parole program	R. 1974 d.356	7 N.J.R. 59(b)
10:35-66.1 et seq.	Probable cause hearing	R. 1974 d.356	7 N.J.R. 59(b)
10:35-67.1 et seq.	Distribution of money and personal belongings of deceased inmates	R. 1974 d.356	7 N.J.R. 59(b)
10:35-68.1 et seq.	Inmates' personal savings accounts	R. 1974 d.356	7 N.J.R. 59(b)
10:35-69.1 et seq.	Revised rules on administrative segregation	R. 1975 d.108	7 N.J.R. 272(a)
10:51-1.2	Definition of eligible pharmacies in New Jersey	R. 1974 d.297	6 N.J.R. 477(c)
10:51-1.10	Revisions concerning pharmacy providers	R. 1974 d.312	6 N.J.R. 478(c)
10:52-1.1 et seq.	Revised portions of hospital manual	R. 1974 d.201	6 N.J.R. 313(a)
10:52-1.2(a) 18.	Revisions on hospital services	R. 1974 d.296	6 N.J.R. 478(a)
10:52-1.4	Revisions in special provisions for general hospitals	R. 1974 d.339	7 N.J.R. 8(a)
10:54-1.1	Define office visits	R. 1975 d.86	7 N.J.R. 226(d)
10:54-1.2(f)	Revisions on long-term care facilities	R. 1975 d.42	7 N.J.R. 166(a)
10:54-1.19	Revisions concerning specialist recognition	R. 1974 d.201	6 N.J.R. 313(a)
10:54-1.19	Revisions concerning specialists	R. 1974 d.311	6 N.J.R. 478(b)
10:55-1.2	Revisions concerning eligible providers; prosthetic, orthotic manual	R. 1974 d.187	6 N.J.R. 312(e)
10:56-1.48	Recovery of payments correctly made	R. 1974 d.202	6 N.J.R. 313(b)
10:56-2.1(d)	Dental providers	R. 1974 d.203	6 N.J.R. 313(c)
10:57-2.1 et seq.	Revisions on billing procedures	R. 1974 d.222	6 N.J.R. 351(c)
10:59-1.7(a)6.	Revised prior authorization and medical supply services	R. 1975 d.31	7 N.J.R. 105(b)

10:62-1.1 et seq.	Revisions to vision care manual	R. 1974 d.181	6 N.J.R. 312(c)
10:63-1.10(a)5.	Revisions on long-term care facilities	R. 1975 d.42	7 N.J.R. 166(a)
10:63-1.13	Plans of correction of deficiencies	R. 1974 d.343	7 N.J.R. 9(a)
10:63-1.14	Skilled nursing and intermediate care services	R. 1975 d.87	7 N.J.R. 227(a)
10:64-1.2 et seq.	Revisions to hearing aid manual	R. 1975 d.14	7 N.J.R. 58(b)
10:65-1.2	Plans of correction for deficiencies	R. 1974 d.343	7 N.J.R. 9(a)
10:66-1.3	Out-of-State clinics	R. 1974 d.295	6 N.J.R. 477(b)
10:67-2.1 et seq.	Revised procedure for Administrative Code numbers	R. 1974 d.245	6 N.J.R. 399(b)
10:81-1.1 et seq.	New Public Assistance Manual	R. 1975 d.29	7 N.J.R. 105(c)
10:81-3.3(i)	Revisions on noncontributory persons in a household	R. 1975 d.64	7 N.J.R. 167(b)
10:81-28.3	Recoupment of overpayments	R. 1974 d.287	6 N.J.R. 435(b)
10:81-28.4	Periodic notice to client	R. 1974 d.287	6 N.J.R. 435(b)
10:82-1.1 et seq.	Assistance Standards Handbook	R. 1975 d.93	7 N.J.R. 227(b)
10:82-3.2	AFDC program	R. 1974 d.205	6 N.J.R. 312(b)
10:82-10.1	Overpayments, underpayments	R. 1974 d.287	6 N.J.R. 435(b)
10:82-11.14	Revisions concerning expenses of employment in AFDC	R. 1974 d.285	6 N.J.R. 434(a)
10:82-11.16(d)	Revisions concerning disregard of earned income	R. 1974 d.286	6 N.J.R. 435(a)
10:84-1.1 et seq.	Delete entire Chapter and mark it Reserved	R. 1975 d.29	7 N.J.R. 105(c)
10:85-11.6(a)	Revisions in payments to hospitals	R. 1974 d.288	6 N.J.R. 436(a)
10:109-1.1 et seq.	Revisions concerning public assistance staff development program	R. 1974 d.179	6 N.J.R. 312(e)
10:109-1.6(a)	Revisions concerning educational leave stipends	R. 1974 d.248	6 N.J.R. 399(a)
10:109-2.1 et seq.	Ruling Number 11; classification and compensation plan	R. 1974 d.211	6 N.J.R. 351(a)
10:121-3.1 et seq.	Adoption complaint investigation fees	R. 1975 d.15	7 N.J.R. 58(c)
10:122-2.1 et seq.	AFDC foster care plan	R. 1975 d.99	7 N.J.R. 227(c)
10:123-1.1 et seq.	Revised State Plan for services to families and children	R. 1974 d.232	6 N.J.R. 351(b)
10:123-1.1 et seq.	Revised State Plan for families and children	R. 1974 d.355	7 N.J.R. 59(a)
10:123-1.14	Establishing paternity and securing support for AFDC children	R. 1975 d.35	7 N.J.R. 105(a)
10:123-4.1	Amendment concerning community planning	R. 1975 d.57	7 N.J.R. 166(b)

## INSURANCE — TITLE 11

11:1-2.1 et seq.	Amend rules on filings regarding property liability insurance	R. 1975 d.34	7 N.J.R. 115(a)
11:1-4.2	Sex and/or marital status discrimination	R. 1975 d.128	7 N.J.R. 276(b)
11:1-5.1	Deduction of exhaustion of Motor Vehicle Liability Security Fund	R. 1974 d.237	6 N.J.R. 351(d)
11:1-5.2	New Jersey Special Joint Underwriting Association	R. 1974 d.259	6 N.J.R. 407(a)
11:1-5.2(e)	Establishing means of proving coverage and eligibility for protection	R. 1974 d.274	6 N.J.R. 436(b)
11:2-1.3(f)	Ticket-selling insurance agents' education requirements	R. 1974 d.327	7 N.J.R. 10(a)
11:2-12.1 et seq.	Mass marketing of property and liability insurance	R. 1974 d.271	6 N.J.R. 408(a)
11:2-13.1 et seq.	Group coverage discontinuance and replacement	R. 1974 d.274	6 N.J.R. 409(a)
11:2-13.1 et seq.	Revisions on life and accident and health insurance policies and contracts	R. 1975 d.109	7 N.J.R. 276(a)
11:2-13.1	Revisions on certain insurance policies and contracts	R. 1975 d.129	7 N.J.R. 276(c)
11:2-15.1	Cancellation of property and liability policies; insolvent insurers	R. 1974 d.190	6 N.J.R. 323(a)
11:2-16.1	Guaranteed arrest bond certificates of automobile club undertaking	R. 1974 d.282	6 N.J.R. 437(a)
11:3-6.3(b)5.iv.	Revisions concerning temporary identification cards	R. 1974 d.208	6 N.J.R. 322(b)
11:3-9.2	Private passenger automobile rating class; revoked or suspended operators	R. 1975 d.130	7 N.J.R. 276(d)
11:4-8.1 et seq.	Rules on charitable annuities	R. 1974 d.258	6 N.J.R. 399(c)
11:5-1.2	Amendment concerning salesmen applications	R. 1974 d.307	6 N.J.R. 478(e)
11:5-1.3	Amendment concerning broker applications	R. 1974 d.307	6 N.J.R. 478(e)
11:5-1.27	Amendment concerning educational requirements	R. 1974 d.307	6 N.J.R. 478(e)

## LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Revised maximum weekly benefits rates	R. 1974 d.236	6 N.J.R. 352(b)
12:17-2.1(g)	Revisions on registration for work and benefit claims	R. 1975 d.72	7 N.J.R. 169(b)
12:18-3.1(f) and (g)	Revisions of fees under State Plan for temporary disability benefits	R. 1974 d.284	6 N.J.R. 437(b)
12:100-1.1 et seq.	Withdraw State Plan for occupational safety and health	R. 1975 d.101	7 N.J.R. 231(a)
12:122-1.1 et seq.	Repeal rules on local exhaust systems	R. 1974 d.136	6 N.J.R. 267(a)
12:146-1.1 et seq.	Repeal rules on machinery with rolls	R. 1974 d.138	6 N.J.R. 267(c)
12:171-1.1 et seq.	Repeal rules on short-rise material handling lifts	R. 1974 d.137	6 N.J.R. 267(b)
12:235-1.1 et seq.	Revised rules of the Division of Workmen's Compensation	R. 1975 d.43	7 N.J.R. 169(a)

## LAW AND PUBLIC SAFETY — TITLE 13

13:2-21.30	Revisions concerning law enforcement officers	R. 1974 d.341	7 N.J.R. 13(a)
13:2-31.1	Revised schedule of retail prices filed with the Director	R. 1974 d.349	7 N.J.R. 13(b)
13:2-31.8	Revised trading areas for malt alcoholic beverages	R. 1974 d.349	7 N.J.R. 13(b)
13:2-31.9	Revised inspection of price schedules	R. 1974 d.349	7 N.J.R. 13(b)

13:2-34.2	Revisions concerning schedule filing dates and contents	R. 1974 d.239	6 N.J.R. 410(b)
13:2-37.1	Revised definitions	R. 1974 d.239	6 N.J.R. 410(b)
13:29-1.7(b)	Revisions on conditional credit	R. 1975 d.33	7 N.J.R. 115(d)
13:33-1.38	Minimum standards and tolerances	R. 1974 d.262	6 N.J.R. 411(a)
13:33-1.41	Fee schedules	R. 1974 d.309	6 N.J.R. 487(a)
13:34-1.1	Fees for Board of Marriage Counselor examinations	R. 1975 d.100	7 N.J.R. 236(a)
13:35-5.1	Minimum standards for eyeglasses	R. 1974 d.353	7 N.J.R. 61(c)
13:35-6.10	Countersigning of orders and prescriptions of unlicensed physicians	R. 1974 d.337	7 N.J.R. 12(a)
13:35-6.11	Prohibiting kickbacks or rebates for services not rendered	R. 1974 d.280	6 N.J.R. 451(a)
13:36-1.6	Revised fees and charges	R. 1974 d.281	6 N.J.R. 451(b)
13:37-12.1	Fee schedule; Board of Nursing	R. 1974 d.189	6 N.J.R. 324(b)
13:38-2.10	Minimum standards for eyeglasses	R. 1975 d.19	7 N.J.R. 115(b)
13:38-5.1	Fee schedule	R. 1975 d.23	7 N.J.R. 115(c)
13:39-9.16	Fee schedules	R. 1974 d.305	6 N.J.R. 486(a)
13:41-3.1	Use of the terms planners or planning	R. 1975 d.102	7 N.J.R. 236(b)
13:46-4.6(c)	Revised license fee	R. 1974 d.331	7 N.J.R. 12
13:47A-1.1(a) 3.	Revised fee for application for registration	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-3.1(c)	Revised fee for application	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-5.2	Revised fee for application renewal	R. 1974 d.333	7 N.J.R. 12(b)
13:47A-6.1	Revisions on qualification of issue	R. 1974 d.278	6 N.J.R. 450(c)
13:47A-9.1	Repeal rule on requirements for qualification	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-9.14	Repeal rule on number of offers for exemption restriction	R. 1974 d.350	7 N.J.R. 13(d)
13:47A-10.2	Repeal rule on claims for exemption	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-10.3	Effective date of initial applications	R. 1974 d.352	7 N.J.R. 14(a)
13:47A-15.1	Revisions concerning prospectuses	R. 1974 d.279	6 N.J.R. 450(d)
13:47A-18.1	Revisions concerning prefiling materials and contents	R. 1974 d.351	7 N.J.R. 13(c)
13:70-1.1 et seq.	Revised rules on horse racing	R. 1975 d.37	7 N.J.R. 170(a)
13:71-1.1 et seq.	Revised rules on harness racing	R. 1975 d.38	7 N.J.R. 170(b)

#### **PUBLIC UTILITIES — TITLE 14**

14:1-10.11	Rule on hearing procedures	R. 1974 d.313	6 N.J.R. 487(b)
14:5-7.1 et seq.	Revisions on electrical inspection authorities	R. 1975 d.12	7 N.J.R. 62(b)
14:11-5.4	Revisions on accident reporting	R. 1975 d.8	7 N.J.R. 62(a)

#### **STATE — TITLE 15**

15:10-1.1 et seq.	Voter registration by mail	R. 1974 d.270	6 N.J.R. 412(b)
15:10-1.1 et seq.	Revisions on voter registration by mail	R. 1975 d.114	7 N.J.R. 278(a)

#### **TRANSPORTATION — TITLE 16**

16:28-1.10	Revised speed limits on parts of U.S. 46	R. 1975 d.95	7 N.J.R. 237(b)
16:28-1.14	Revised rules on rates of speed on Route 33	R. 1975 d.17	7 N.J.R. 118(b)
16:28-1.25 et seq.	Revise rules on rates of speed along certain State highways	R. 1974 d.197	6 N.J.R. 325(a)
16:28-1.35	Revised speed limits on portions of Route 18	R. 1974 d.340	7 N.J.R. 32(d)
16:28-1.36	Revised speed limits on parts of Route 24	R. 1975 d.17	7 N.J.R. 118(a)
16:28-1.63	Revise rates of speed on Route U.S. 22	R. 1974 d.326	7 N.J.R. 32(c)
16:28-1.67	Revisions to rates of speed on parts of U.S. 202	R. 1974 d.325	7 N.J.R. 32(b)
16:28-1.76	Revised speed limits on parts of Route 15	R. 1974 d.354	7 N.J.R. 73(c)
16:28-1.96	Revise rates of speed on Route N.J. 45	R. 1974 d.326	7 N.J.R. 32(c)
16:28-1.100	Revised speed limits on Route 439	R. 1975 d.50	7 N.J.R. 178(c)
16:28-1.111	Speed limits on Route 179 in Hunterdon County	R. 1974 d.249	6 N.J.R. 414(a)
16:28-1.122	Revisions to rates of speeds on U.S. 46, U.S. 1, 9 and 46	R. 1974 d.291	6 N.J.R. 493(a)
16:28-1.148	Revised speed limits on Route I-295	R. 1975 d.24	7 N.J.R. 118(c)
16:28-1.157	Rates of speeds on Route 173	R. 1974 d.291	6 N.J.R. 493(a)
16:28-1.158	Speed limits on Route 87 in Atlantic City	R. 1974 d.249	6 N.J.R. 414(a)
16:28-1.159	Rates of speed on parts of Route 33	R. 1975 d.17	7 N.J.R. 118(b)
16:28-1.160	Speed limits on portions of Route I-78	R. 1974 d.340	7 N.J.R. 32(d)
16:28-2.1	Weight limit along Route 152 in Egg Harbor Township	R. 1975 d.63	7 N.J.R. 178(d)
16:28-3.20 et seq.	Restricted parking on Routes 70, 73, U.S. 22 and U.S. 130	R. 1974 d.216	6 N.J.R. 359(b)
16:28-3.24	Route number U.S. 40	R. 1974 d.226	6 N.J.R. 359(d)
16:28-3.25	Route number 47	R. 1974 d.226	6 N.J.R. 359(d)
16:28-3.26	No parking; Route 35	R. 1974 d.292	6 N.J.R. 493(b)
16:28-3.27	No parking; Route 27	R. 1974 d.292	6 N.J.R. 493(b)
16:28-3.28	Restricted parking rules on various State highways	R. 1974 d.359	7 N.J.R. 74(a)
through 16:28-3.41			
16:28-3.42	Restricted parking along certain State highways	R. 1975 d.16	7 N.J.R. 117(a)
through 16:28-3.50			

16:28-3.51 through 16:28-3.62	Rules on restricted parking on various State highways	R. 1975 d.49	7 N.J.R. 178(b)
16:28-4.1 et seq.	One-way street regulations	R. 1974 d.225	6 N.J.R. 359(c)
16:28-4.3	One-way traffic along Route 79	R. 1974 d.293	6 N.J.R. 493(c)
16:28-5.1	Designation of stop intersections	R. 1974 d.250	6 N.J.R. 414(b)
16:28-6.1	No left turn rules on parts of Route U.S. 206	R. 1974 d.324	7 N.J.R. 32(a)
16:28-6.1	Revisions on left turns on Route U.S. 206 in Bedminster Township	R. 1975 d.48	7 N.J.R. 178(a)
16:41-1.1 et seq.	Revised fees for highway access permits	R. 1975 d.13	7 N.J.R. 73(b)
16:51-4.1 et seq.	Delegation of powers for seniors half-fare bus program	R. 1975 d.113	7 N.J.R. 280(b)
16:54-6.1 et seq.	Take-off or landing by balloons	R. 1974 d.308	6 N.J.R. 494(a)
16:54-6.1 et seq.	Revised rules on ballooning	R. 1975 d.131	7 N.J.R. 281(a)

### TREASURY — GENERAL — TITLE 17

17:1-1.15(e)	Compliance with endorsement requirements	R. 1974 d.219	6 N.J.R. 360(a)
17:1-1.17	Revisions on administrative expenses and their proration	R. 1975 d.30	7 N.J.R. 122(a)
17:2-1.13 et seq.	Revisions on Public Employees' Retirement System	R. 1974 d.230	6 N.J.R. 361(a)
17:8-1.1	Revise foreword to rules of supplemental annuity collective trust	R. 1974 d.231	6 N.J.R. 361(b)
17:9-2.3	Revisions on annual enrollment period	R. 1974 d.228	6 N.J.R. 360(c)
17:9-2.15	Major medical; separate plans	R. 1975 d.68	7 N.J.R. 181(a)
17:9-4.2	Revised definition of State; full time	R. 1975 d.68	7 N.J.R. 181(a)
17:9-5.4	Revisions on local employer payment of dependent charges	R. 1974 d.229	6 N.J.R. 360(d)
17:9-5.5	Revisions concerning local employer resolution	R. 1975 d.65	7 N.J.R. 180(c)
17:9-5.6	Health maintenance organization premiums	R. 1974 d.228	6 N.J.R. 360(c)
17:10-3.1	Revised computation of benefits	R. 1974 d.335	7 N.J.R. 34(a)
17:10-5.7	Revised employer disability application; employee notice	R. 1974 d.335	7 N.J.R. 34(a)
17:16-5.4	Revised demand group	R. 1975 d.11	7 N.J.R. 76(b)
17:16-5.5(a)14.	Delete from temporary reserve group housing development	R. 1974 d.192	6 N.J.R. 328(c)
17:16-6.1(a)8.	Add Federal Financing Bank to approved list	R. 1974 d.323	6 N.J.R. 496(a)
17:16-6.1	Revised rules on U.S. Treasury and government agency obligations	R. 1975 d.97	7 N.J.R. 241(a)
17:16-7.3	Delete from revolving housing development grant fund	R. 1974 d.191	6 N.J.R. 328(b)
17:16-8.1(a)6.	Amend permissible investment rules concerning corporate securities — industrial obligations	R. 1974 d.321	6 N.J.R. 495(b)
17:16-9.1(a)5.	Revision concerning finance companies — senior debt	R. 1974 d.322	6 N.J.R. 495(c)
17:16-13.5	Revisions on legal papers; commercial paper	R. 1974 d.218	6 N.J.R. 361(c)
18:16-36.7 et seq.	Revisions concerning Common Pension Fund B	R. 1974 d.265	6 N.J.R. 416(b)
17:16-37.1(a)6.	Addition of Federal Financing Bank to approved list	R. 1974 d.264	6 N.J.R. 416(a)
17:16-38.1 et seq.	Common Pension Fund C	R. 1974 d.266	6 N.J.R. 416(c)
17:16-39.1 et seq.	Rules on bankers' acceptances	R. 1974 d.263	6 N.J.R. 415(b)
17:16-39.1 et seq.	Collateralized notes and mortgages	R. 1975 d.67	7 N.J.R. 180(d)
17:20-5.10	Revise agent's compensation rule	R. 1974 d.329	7 N.J.R. 33(b)
17:21-1.4(b)	Revisions on special lotteries	R. 1974 d.224	6 N.J.R. 360(b)
17:21-2.3 et seq.	Revised rules concerning weekly lottery	R. 1974 d.329	7 N.J.R. 33(b)

### TREASURY — TAXATION — TITLE 18

18:2-1.1	Reproduction of forms	R. 1974 d.182	6 N.J.R. 328(a)
18:5-3.10(d)	Revised rule on decalcomania revenue stamps on cigarettes	R. 1975 d.28	7 N.J.R. 122(b)
18:6-1.1	Revised definition of cost of doing business	R. 1974 d.243	6 N.J.R. 414(d)
18:12A-1.6 et seq.	Revisions concerning County Boards of Taxation	R. 1975 d.46	7 N.J.R. 180(b)
18:12A-1.16	Electronic Data processing and tax assessment lists	R. 1974 d.242	6 N.J.R. 414(c)
18:16-1.1 et seq.	Revisions in realty transfer fee law	R. 1975 d.84	7 N.J.R. 240(b)
18:22-7.6	Gross receipts from transactions; municipal electric supply operations	R. 1975 d.45	7 N.J.R. 180(a)
18:24-10.4	Acceptance in good faith	R. 1974 d.244	6 N.J.R. 414(e)
18:24-10.5	Disclosure of proper exemption basis	R. 1974 d.244	6 N.J.R. 414(e)
18:24-11.2	Filing of monthly and quarterly returns	R. 1975 d.4	7 N.J.R. 77(a)
18:24-24.1 et seq.	Sale and installation of gasoline service station equipment	R. 1974 d.252	6 N.J.R. 415(a)
18:26-8.7	Preaudit payment of inheritance tax	R. 1975 d.85	7 N.J.R. 240(c)

### OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revisions pertaining to making of loans to mortgage lenders	R. 1974 d.233	6 N.J.R. 370(b)
19:1-1.3	Revised definition of Mortgage Finance Agency collateral	R. 1974 d.251	6 N.J.R. 418(b)
19:3A-2.1	Required land use and control meadows; flood insurance	R. 1974 d.213	6 N.J.R. 369(b)
19:3A-2.2	Securing coverage under National Flood Insurance Program	R. 1974 d.212	6 N.J.R. 361(d)
19:7-1.1(a)1.	Revisions on permitted sites and sanitary landfills	R. 1974 d.214	6 N.J.R. 369(a)
19:8-3.1(b)	Revised toll schedule for new Union County interchange	R. 1974 d.290	6 N.J.R. 496(c)

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# INSTITUTIONS AND AGENCIES

## DIVISION OF CORRECTION AND PAROLE

### Revisions to Standards of the Division

On April 21, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the standards of the Division of Correction and Parole that govern the Prison Complex, Youth Correctional Institution Complex, Correctional Institution for Women and the Training School for Boys at Jamesburg.

The revisions involve the deletion of the current text of Subchapters 1 through 6 in Chapter 35 of Title 10 in the New Jersey Administrative Code and the adoption of new text therefor.

The new rules concern the inmate discipline program, publication of rules, adjustment team or unit, on-the-spot correction, adjustment committee or hearing officer, detention program and administrative segregation procedures for the institutions involved.

The revised rules on administrative segregation will be cited as N.J.A.C. 10:35-69.1 et seq. and 10:35-70.1 et seq.

An order adopting these revisions was filed and effective April 24, 1975, as R.1975 d.108 (Exempt, Exempt Agency).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

# INSURANCE

## THE COMMISSIONER

### Proposed Rules on Insurance of Municipal Bonds

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt new rules concerning insurance on municipal bonds.

Full text of the proposed new rules follows:

#### SUBTITLE F. MUNICIPAL BONDS

#### CHAPTER 7. INSURANCE OF MUNICIPAL BONDS

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 11:7-1.1 Definitions

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Insurance of municipal bonds" means insurance against financial loss by reason of nonpayment of principal and interest obligations pursuant to the terms of municipal bonds as defined in paragraph (b) hereof. "Municipal bonds" as used herein means obligations issued by a state, territory or possession of the United States of America, or by any municipality, political subdivision (including but not limited to cities, counties, towns, villages, school districts and special districts for fire prevention, water, sewer, irrigation and other municipal public purposes provided for by law) or by any public agency or instrumentality (such as an authority or commission) of one or more of the foregoing.

"Contingency reserve" means an additional premium reserve established for the protection of policyholders covered by policies insuring municipal bonds against the effect of excessive losses usually occurring during adverse economic cycles.

19:9-1.1	Revised Turnpike definitions	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.9	Revised limitations on use of Turnpike	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.9(a)26.	Delete rule 19:9-1.9 (a) 26.	R. 1975 d.41	7 N.J.R. 185(a)
19:9-1.18	Noise limits on Turnpike	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.18(e) and (f)	Revised citations for noise limit rules	R. 1975 d.25	7 N.J.R. 122(d)
19:11-1.6	Revisions in number of copies to be filed	R. 1974 d.347	7 N.J.R. 36(a)
19:11-1.13	Revisions concerning intervention	R. 1974 d. 346	7 N.J.R. 35(d)
19:11-2.7	Rule on election eligibility lists	R. 1974 d.344	7 N.J.R. 35(b)
19:12-1.1	Revisions in filing of notice of impasse	R. 1974 d.347	7 N.J.R. 36(a)
19:12-1.1 et seq.	Negotiations and impasse procedures	R. 1975 d.10	7 N.J.R. 78(a)
19:12-2.1	Revisions in invocation of fact-finding	R. 1974 d.347	7 N.J.R. 36(a)
19:12-3.1	Revisions concerning arbitration	R. 1974 d.345	7 N.J.R. 35(c)
19:13-1.1 et seq.	Scope of negotiations proceedings	R. 1975 d.10	7 N.J.R. 78(a)
19:14-1.1 et seq.	Unfair practice proceedings	R. 1975 d.10	7 N.J.R. 78(a)
19:14A-1.1 et seq.	Hearings	R. 1975 d.10	7 N.J.R. 78(a)
19:14-1.5 et seq.	Revisions concerning processing of unfair practice cases	R. 1975 d.89	7 N.J.R. 243(a)
19:14-9.1 et seq.	Interim relief	R. 1975 d.90	7 N.J.R. 242(a)
19:25-1.1 et seq.	Initial rules of Election Law Enforcement Commission	R. 1974 d.267	6 N.J.R. 418(a)
19:30-1.1 et seq.	Administrative rules of Economic Development Authority	R. 1974 d.332	7 N.J.R. 34(c)
19:30-2.1	Revised application fees	R. 1975 d.26	7 N.J.R. 122(c)
19:30-2.2	Delete text on fees	R. 1975 d.26	7 N.J.R. 122(c)
19:35-1.1	Rules on FM noncommercial radio stations	R. 1975 d.118	7 N.J.R. 285(a)

#### 11:7-1.2 Capital, surplus and contingency reserve requirements

(a) An insurer shall not issue a contract insuring municipal bonds unless it is authorized to write the kinds of insurance defined in paragraph (g) of N.J.S.A. 17:17-1, and unless the insurer's license has been amended to indicate that the insurer is authorized to write municipal bond insurance under paragraph (g), further provided that:

1. If it is a stock insurance company, it has a paid-in capital and surplus, or, if it is a mutual insurance company, it has a minimum initial surplus, in an amount deemed by the Commissioner to be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, but, in no case shall such amount be less than that prescribed by applicable provisions of the Insurance Law. Such stock or mutual insurer shall at all times maintain a surplus to policyholders or minimum surplus, as the case may be, in an amount at least equal to the minimum prescribed by the stated provisions for the aforementioned class of business and for such other kinds of insurance defined in N.J.S.A. 17:17-1, as it may be authorized to transact; and

2. It shall establish a contingency reserve which shall consist of allocations of sums representing 50 per cent of the earned premiums on policies insuring municipal bonds. Allocations to such reserve made during each calendar year shall be maintained for a period of at least 120 months, except that withdrawals may be made by the company in any year in which the actual paid losses on the said type of policy exceeded 35 per cent of the earned premiums thereon, but no such releases shall be made without the prior written approval of the Commissioner of Insurance.

(b) An insurer transacting the insurance of municipal bonds:

1. Shall not at any time have outstanding a cumulative net liability, under policies in force insuring municipal bonds, in an amount which exceeds 25 times the sum of its capital and surplus, plus the contingent reserve as defined in paragraph (a) 2. of this Section, plus 50 per cent of the unearned premiums on the stated class of business. In the event that any such insurer has outstanding a cumulative net liability in excess of the amount as so computed, it shall not transact any new insurance of municipal bonds unless and until its cumulative net liability no longer exceeds such amount. For the purpose of this paragraph, the term "cumulative net liability" shall mean 25 per cent of the insured unpaid principal and insured unpaid interest covered by policies in force insuring municipal bonds.

2. May invest the contingency reserve in tax and loss bonds purchased pursuant to Section 832 (c) of the Internal Revenue Code, only to the extent of the tax savings resulting from the deduction for Federal Income Tax purposes of a sum equal to the annual contributions to the contingency reserve. The contingency reserve shall otherwise be invested only in classes of securities or types of investments specified in paragraphs (a), (c), (d) and (f) of N.J.S.A. 17:241.

#### 11:7-1.3 Limitations and restrictions

(a) Policies insuring municipal bonds shall be issued to cover only bonds of the type defined in N.J.A.C. 11:7-1.1(b).

(b) For the purpose of complying with the provisions of N.J.S.A. 17:18-9, the total net liability of an insurer in respect to any one issue of municipal bonds shall be such amount as the Commissioner of Insurance shall determine on the basis of his review of the terms of the underlying policy contract and related instruments, and appropriate allowance for rein-

sureance with an insurer authorized to transact such business in this State, the rights and powers, if any, vested in the insurer to reach funds which it may use to satisfy all or a portion of the principal or interest which it may become obligated to pay under the terms of the said policy and any other item or items of value deemed by the Commissioner to be available to the insurer for the purpose of diminishing the exposure under its policy. In no event, shall the total net liability exceed an amount representing ten per cent of the surplus to policyholders of the insurer.

#### 11:7-1.4 Financial statements

(a) The reserve for unearned premiums shall be computed as required by the provisions of N.J.S.A. 17:231 or by such other method as the Commissioner may prescribe.

(b) In addition to the contingency reserve required by N.J.A.C. 11:7-1.2(a)2., each insurer engaging in the issuance of policies insuring municipal bonds shall provide a reserve for unpaid losses and loss adjustment expenses on such policies in all financial statements filed by it with this Department. Such reserve shall be computed in a manner consistent with the provisions of N.J.S.A. 17:23-1 and shall be based upon either the case method or such other method as the Commissioner may prescribe.

#### 11:7-1.5 Conflicts of interest prohibited

No insurer authorized to transact the business of insuring municipal bonds shall pay any commission or make any gift of money, property or other valuable thing to any employee, agent or representative of any underwriter of any issue of such bonds as an inducement to the purchase of, or at any time there is in force, a policy insuring such bonds, and no such employee, agent or representative of such issuer or underwriter shall receive any such payment or gift. However, violation of the provisions of this Section shall not have the effect of rendering void the insurance policy issued by the insurer.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to:

Philipp K. Stern, Actuary  
Department of Insurance  
201 East State Street  
Trenton, New Jersey 08625

The Department of Insurance, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

James J. Sheeran  
Commissioner  
Department of Insurance

(a)

## INSURANCE

### THE COMMISSIONER

#### Proposed Rule on New Jersey Special Joint Underwriting Association Charge

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29A-1 et seq. and Chapter 106, Laws of New Jersey 1974, as amended by

Chapter 76, Laws of New Jersey 1975, proposes to adopt a new rule concerning the New Jersey Special Joint Underwriting Association charge.

**Full text** of the proposed new rule follows:

11:1-5.3 New Jersey Special Joint Underwriting Association charge

(a) Pursuant to the provisions of Section 10 of Chapter 106, New Jersey Laws of 1974 as amended by Chapter 76 New Jersey Laws of 1975, I hereby order that insurers add a surcharge of one quarter of one per cent (0.25 per cent) of direct net written premiums on all policies of automobile insurance subject to the following:

1. The surcharge shall apply to all new and renewal policies with an effective date on or after August 1, 1975.

2. The surcharge shall be identified to the insured by either of the following two methods:

i. The surcharge is shown as a separate item on the bill in dollars and cents. The surcharge amount is not to be treated as premium for accounting purposes, but must be coded and reported in accordance with instructions issued by the statistical agents under the directive of the Commissioner of Insurance;

ii. The surcharge is added to the premium for each item of coverage and the total is treated as premium for accounting and reporting purposes. If this method is used, every billing to an insured must carry a notation calling attention to the inclusion of the surcharge of one quarter of one per cent;

iii. The surcharge shall be identified as "Joint Underwriting Fund"; it may be combined with the surcharge for the Guaranty Association to be applied under N.J.A.C. 11:1-6.1 and such combined surcharges shall be identified to the insured as "Guaranty Underwriting Funds".

3. Changes in premium by endorsement: On policies not subject to audit where the method in N.J.A.C. 11:1-5.3 (a) 2. i. is used, no additional surcharge shall be made for endorsements increasing the premium and no return shall be made for an endorsement decreasing the premium. Where the method in N.J.A.C. 11:1-5.3 (a) 2. ii. is used, and on all policies subject to audit, any change in premium by endorsement subsequent to the effective date shall reflect also an appropriate change in the surcharge. On flat cancellations, the entire surcharge must be returned regardless of procedure used.

4. Three year policies with an effective date on or after August 1, 1975, shall be treated by the same procedures as set forth above. On three year policies with effective dates prior to August 1, 1975, the surcharge shall be applied only if such policies are subject to re-rating after the effective date and only as of the effective date of such re-rating.

5. The surcharge is not considered a taxable premium for the purpose of determining taxes under N.J.S.A. 54:18A-1 et seq.

6. All amounts collected under this surcharge as of September 30, 1975, shall be remitted not later than December 1, 1975, and all surcharges collected thereafter as of December 31 and June 30 each year shall be remitted on or before March 1 and September 1 of each year, pursuant to directives and forms to be issued by the Commissioner.

7. The surcharge established herewith will provide reimbursement to the companies for any assessments levied in accordance with Section 5B of the Special Joint Underwriting Act. Consequently, such assessments should not be considered "obligations" within the context of retaliatory tax provisions.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 30, 1975, to:

Philipp K. Stern, Actuary  
Department of Insurance  
201 East State Street  
Trenton, New Jersey 08625

The Department of Insurance, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

James J. Sheeran  
Commissioner  
Department of Insurance

(a)

## INSURANCE

### THE COMMISSIONER

#### Proposed Rules on Individual Risk Premium Modification Plan

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt new rules on the individual risk premium modification plan. Such proposed rules, if adopted, supersede rules previously issued by the Department of Insurance on February 24, 1975.

**Full text** of the proposed rules follows:

#### SUBCHAPTER 9. INDIVIDUAL RISK PREMIUM MODIFICATION PLAN

##### 11:4-9.1 Applicability

(a) Any existing approved filing that does not meet the minimums stated below must be amended to conform with the new criteria by September 1, 1975. Currently pending filings will also be judged on the basis of these modified standards.

(b) Risk modification plans can be equitably applied to accounts that are not large enough to qualify under the present premium criteria. Therefore the following factors are established as the standard for the Department's evaluation of individual risk premium modification plans.

##### 11:4-9.2 Eligibility

(a) The rules on eligibility are outlined as follows:

Line of Business	Eligibility Based On Three-Year Premium*
1. Fire and allied lines	\$2,500;
2. Inland marine	2,500;
3. Fidelity	1,000.

\*Premium produced by rating system prior to modification under this Rule. For business written under Multi-Peril Policies, it is also the premium produced before the application of the approved package discount.

(b) The premium eligibility criteria apply to risk modification and expense modification in a plan. As to the casualty lines, other than fidelity, existing approved filings continue to apply.

### 11:4-9.3 General provisions

(a) Risk modification is the application of a schedule of judgment debits or credits to the rates and premiums developed by use of the rating system filed by or on behalf of a company subject to the following:

1. Risk modification is subject to a limit of 25 per cent credit or 25 per cent debit and may not be used on any factor or element already considered in the determination of the rate to be modified.

2. Expense modification shall be based upon the expense requirements of individual risks and like consideration shall be given to all risks with substantially similar expense conditions.

(b) The premiums used herein refer to each of the kinds of insurance included in an account. If more than one company writes a policy for a part interest, the criteria apply to the total interest, not to each separate policy.

(c) Individual risk premium modification plans and expense modification plans may be applied optionally, but such application to types of risk must be uniform to avoid unfair discrimination. An information form provided for each individual account showing the complete details of the extent of the modification with respect to expense and any risk debits or credits, including inspection reports, shall be available for examination by the Department of Insurance.

(d) An account shall not be subject to modification except after inspection of the property, and the debits or credits applicable to both risk and expense modification shall be determined only by a salaried company representative.

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Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975 to:

Philipp K. Stern, Actuary  
Department of Insurance  
201 East State Street  
Trenton, New Jersey 08625

The Department of Insurance, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

James J. Sheeran  
Commissioner  
Department of Insurance

(a)

## INSURANCE

### THE COMMISSIONER

#### Proposed Rule on Reporting Expense Experience

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17:29A-5, proposes to adopt a new rule, concerning the report of expense experience in property-liability insurance rate-making.

Full text of the proposed rule follows:

#### SUBCHAPTER 6. EXPENSE EXPERIENCE

##### 11:1-6.1 Reporting of expense experience

(a) The portion of the publication cited below shall serve as the basis for recording and reporting of expense experience as contemplated in N.J.S.A. 17:29A-5 for use in exami-

nation of and rate-making by property-liability insurers:

1. National Association of Insurance Commissioners;
2. Examination Handbook, Part C pages C1 - C54 and any amendments thereto;
3. "Instructions for Uniform Classifications of Expenses" and "Interpretations of Uniform Accounting Instructions".

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Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975 to:

Philipp K. Stern, Actuary  
Department of Insurance  
201 East State Street  
Trenton, New Jersey 08625

The Department of Insurance, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

James J. Sheeran  
Commissioner  
Department of Insurance

(b)

## INSURANCE

### THE COMMISSIONER

#### Notice of Correction in Classes Of Insurance Eligible for Export

Take notice that James J. Sheeran, Commissioner of Insurance, has issued the following notice concerning classes of insurance eligible for export:

James J. Sheeran, Commissioner of Insurance, hereby corrects the Exportables List published May 8, 1975, at 7 N.J.R. 230(a) to delete the clause "Limited to articles not specifically included in the Inland Marine Rating Bureau Manual" in listed number 25, Personal Articles Floaters only. This correction is effective when filed.

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This Notice was filed May 19, 1975, as a document not subject to codification. It will not appear in Title 11 of the New Jersey Administrative Code.

This Notice is published as a matter of public information.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## INSURANCE

### THE COMMISSIONER

#### Revisions on Surplus Lines Professional Liability Insurance

On May 19, 1975, James J. Sheeran, Commissioner of Insurance, withdrew Section 2 of the emergency rule, effective June 1, 1975, on professional liability insurance for hospitals which was published May 8, 1975, at 7 N.J.R. 229(b).

Full text of the withdrawn Section follows (deletions indicated in brackets [thus]):

[ 2. Filings of confirmation of insurance and affidavits of unsuccessful effort to procure insurance from authorized insurers, as required by N.J.S.A. 17:22-6.47 pertaining to the procurement of Professional Liability Insurance for hospitals and physicians employed by hospitals pertaining to policies written on or after March 26, 1975, must list, as insurers among those which decline to accept all or any part of the desired coverage, three companies from the companies that customarily provide Hospital Professional Liability Coverage in the State of New Jersey listed below, such three companies not to include the company or companies that last refused to renew an expiring Hospital Professional Liability Policy or cancelled such policy for the risk on whose behalf the affidavit is filed:

Argonaut Insurance Company  
Aetna Life & Casualty  
Chubb & Son, Inc.  
General Accident Group  
Hartford Insurance Company  
Insurance Company of North America  
Maryland Casualty Company  
St. Paul Companies  
Travelers Insurance Company]

—  
This revision was filed May 19, 1975, as R.1975 d.127 (Exempt, Emergency Rule) to become effective June 1, 1975. This revision is not subject to codification and will not appear in Title 11 of the New Jersey Administrative Code.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## INSURANCE

### THE COMMISSIONER

#### Revisions on Certain Insurance Policies and Contracts

On April 21, 1975, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 11:2-13.1, 11:2-13.5(d), 11:2-13.6(c)4. and 11:2-13.7, concerning life and accident and health insurance policies and contracts, as proposed in the Notice published March 6, 1975, at 7 N.J.R. 114(b).

An order adopting these revisions was filed and effective April 24, 1975, as R.1975 d.109.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

## INSURANCE

### THE COMMISSIONER

#### Rule on Sex and/or Marital Status Discrimination

On May 19, 1975, James J. Sheeran, Commissioner of

Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17B:30-1, 17:29B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, to be cited as N.J.A.C. 11:1-4.2, Sex and/or marital status discrimination, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 168(a).

An order adopting this rule was filed May 19, 1975, as R.1975 d.128 to become effective September 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(c)

## INSURANCE

### THE COMMISSIONER

#### Revisions on Certain Insurance Policies and Contracts

On May 19, 1975, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 11:2-13.1, 11:2-13.5(d), 11:2-13.6(c)4. and 11:2-13.7, concerning certain insurance policies and contracts, as proposed in the Notice published March 6, 1975, at 7 N.J.R. 114(b).

An order adopting these revisions was filed and effective May 19, 1975, as R.1975 d.129.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(d)

## INSURANCE

### THE COMMISSIONER

#### Rule on Private Passenger Automobile Rating Class for Revoked or Suspended Operators

On May 18, 1975, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 39:6A-19 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, concerning private passenger automobile rating class for revoked or suspended operators, substantially as proposed in the Notice published March 6, 1975, at 7 N.J.R. 113(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Insurance.

Full text of the adopted rule follows:

11:3-9.2 Private passenger automobile rating class; revoked or suspended operator

Within the context of any private passenger automobile classification-rating system, an individual whose automobile operators license is under revocation or suspension shall not be considered an operator of the vehicle. In the event such revocation or suspension terminates and the license is restored, premium adjustments reflecting such operator's rat-

ing criteria for the current policy period may be made on a pro rata basis.

An order adopting this rule was filed May 19, 1975, as R.1975 d.130 to become effective July 1, 1975.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Proposed Revision Concerning Separation and Protection of Conductors Buried in Earth

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-25, proposes to revise N.J.A.C. 14:5-1.2(b)3.i. concerning separation of conductors buried in earth, to permit the burial of primary-power cables operating at voltages not to exceed 22,000 volts to ground in common trenches with telephone cables, instead of the present 8,700-volt limitation.

**Full text** of the proposed revisions follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

14:5-1.2(b)3.i. The electric system shall be wye connected with grounded neutral and a voltage not exceeding [8,700] **22,000** volts to ground.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to:

Board of Public Utility Commissioners  
101 Commerce Street  
Newark, N.J. 07102

The Board of Public Utility Commissioners, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Anthony J. Grossi  
President, Board of Public  
Utility Commissioners  
Department of Public Utilities

(b)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Proposed Rules on Home Insulation Program

The Board of Public Utility Commissioners in Docket No. 733-177, decided March 28, 1974, required, in part, that New Jersey electric utilities develop and implement a home insulation program which would (1) require the development of insulation standards, (2) provide for consulting services on insulation requirements and options and (3) disseminate such information through billing enclosures and booklets.

These and other proposals to help alleviate the energy crisis and provide for energy conservation were forwarded to

the Governor and to members of the Legislature for their consideration.

The Public Advocate of New Jersey has petitioned the Board of Public Utility Commissioners to amend the Board's rules to require utilities to develop a home insulation program. Their petition would require the utilities to install and pay for residential home insulation and recover the cost through monthly billings for utility service.

All interested parties are invited to file written comments on or before June 30, 1975. A public hearing with respect to the Public Advocate's proposals will be held on July 8, 1975, at the Board's Newark office, Room 208, 101 Commerce Street, Newark, New Jersey at 10:00 A.M.

**Copies of the full text** of the proposed amendments are available from Ralph C. Caprio, secretary to the Board, at the above address.

Comments should address themselves not only to the Public Advocate's proposals but to the efficacy of the Board's present insulation program and any improvements that can be made, other than those proposed by the Public Advocate. The hearing will address itself to the above noted issues. The Public Advocate's petition will be consolidated with the present docket, 733-177.

The Board of Public Utility Commissioners, upon its own motion or at the instance of any interested party, may thereafter adopt such rules substantially as proposed without further notice.

Michael J. Mehr  
Chief Hearing Examiner  
Department of Public Utilities

(c)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Notice of Electrical Inspector's Examination

Take notice that the Board of Public Utility Commissioners has issued the following notice of electrical inspector's examinations:

Pursuant to N.J.S.A. 48:7-14, 7-15 and N.J.A.C. 14:5-4.1 et seq., notice is hereby given that the Board of Public Utility Commissioners will hold an examination for persons seeking electrical inspector licenses on Friday, June 20, 1975, at Room 212, 101 Commerce Street, Newark, New Jersey starting at 10:00 A.M.

Application forms may be procured from the Board's offices at Room 210, 101 Commerce Street, Newark, New Jersey, or the National State Building, Room 407, 28 West State Street, Trenton, New Jersey.

Completed application forms together with fees in the amount of \$25.00 for initial examination or \$15.00 for reexamination must be filed at the Board's office at 101 Commerce Street, Newark, New Jersey 07102, ten working days prior to the listed examination dates. All checks should be made payable to Treasurer, State of New Jersey, and such fees are not refundable.

This Notice is published as a matter of public information.  
Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

# STATE

## OFFICE OF SECRETARY OF STATE

### Revisions to Rules for Voter Registration by Mail

On May 1, 1975, F. Joseph Carragher, Assistant Secretary of State, pursuant to authority of N.J.S.A. 19:31-69 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subchapter 1, Chapter 10, Title 15 of the New Jersey Administrative Code, concerning voter registration by mail, as proposed in the Notice published April 10, 1975, at 7 N.J.R. 173(b).

An order adopting these revisions was filed and effective May 1, 1975, as R.1975 d.114.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(b)

# TRANSPORTATION

## THE COMMISSIONER

### Proposed Revisions on Application and Permit Fees

Alan Sagner, Commissioner of Transportation, pursuant to the authority of N.J.S.A. 27:7-44.1, proposes to adopt a rule establishing new and revised application and permit fees for work to be performed over, under or within any portion of State Highway Right of Way.

The proposed rule amendments to Chapter 41 "Permits" of Title 16 involve the deletion of the current fee schedule in N.J.A.C. 16:41-2.3(e) for access driveways and the adoption of a revised fee schedule therein. In addition, it is proposed to adopt a new schedule for application and permit fees pertaining to the remaining types of highway permits contained in Chapter 41.

Such proposed amendments, if adopted, are intended to become effective July 1, 1975.

Full text of the proposed fee schedule follows:

#### CHAPTER 41 — PERMITS

### SUBCHAPTER 2. PERMITS FOR DRIVEWAYS (ACCESS)

#### 16:41-2.3(e) Fee schedule

	Application Fee	Permit Fee
1. Private driveway	\$ 6.00	\$ 12.00 each opening
2. Combined residence and business	12.00	25.00 each opening
3. Automobile service station	25.00	50.00 each opening
4. Commercial minor	25.00	50.00 each opening
5. Commercial major without speed change lanes	60.00	125.00 each opening and geometric drive
6. Commercial major with speed change lanes	60.00	250.00 each opening and geometric drive
7. Extension Fee:		
i. Private Driveway		10.00
ii. All other access		20.00.

### SUBCHAPTER 3. UTILITY OPENINGS

#### 16:41-3.3 Fee schedule

##### (a) Installation within:

1. Sidewalk area	5.00 area not to exceed 200 square feet	30.00 area not to exceed 200 square feet
	35.00 area over 200 square feet	5.00 each additional 400 square feet
	Application Fee	Permit Fee
2. Standard manhole, vault or metering pit, as part of utility opening permit		\$ 5.00 each
3. Standard manhole, vault, or metering pit if placed independently		10.00 each.

##### (b) Installation within:

1. Shoulder and main travelled way	15.00 area not to exceed 200 square feet	100.00 area not to exceed 200 square feet
2. Standard manhole, vault or metering pit as part of utility opening		5.00 each
3. Standard manhole, vault or metering pit if placed independently	5.00 each	50.00 each

##### (c) Jackings and borings

35.00 length 50 L.F. or less	75.00 length 50 L.F. or less
100.00 length greater than 50 L.F.	25.00 for each additional 50 L.F. or part thereof

### SUBCHAPTER 4. ERECTION OF POLES

#### 16:41-4.3 Fee schedule

15.00 one to ten poles	50.00 one to ten poles
30.00 more than ten poles	5.00 each additional pole over ten

### SUBCHAPTER 5. DRAINAGE

#### 16:41-5.3 Fee schedule

(a) Installation of pipe	20.00 area 100 square feet or less	35.00 area 100 square feet or less incl. attaches.
	70.00 area greater than 100 square feet.	35.00 each additional 200 square feet or fraction thereof, including attachments
	Application Fee	Permit Fee
(b) Standard manhole or inlet installation	\$ 2.00 each	\$ 10.00 each
(c) Manhole or inlet conversion and/or relocation	2.00 each	10.00 each.

SUBCHAPTER 6. BRIDGE ATTACHMENTS

16:41-6.4 Fee schedule

50.00 per attachment type	3.00 per L.F. of item to be attached to bridge regardless of number of supports	50.00 minimum fee
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SUBCHAPTER 7. STREET INTERSECTIONS

16:41-7.3 Fee schedule

(a) New street	150.00	500.00
(b) Improvement of street	5.00	25.00

SUBCHAPTER 9. BUILDINGS AND OTHER OVER-DIMENSIONED AND OVERWEIGHT MOVEMENTS

16:41-9.3 Fee schedule

10.00	50.00 plus \$1.00 per ton mile
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SUBCHAPTER 10. TEMPORARY USE OF STATE HIGHWAY RIGHT OF WAY

16:41-10.8 Fee schedule

50.00	200.00 per month
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SUBCHAPTER 12. BANNERS OR DECORATIONS ON STATE HIGHWAY RIGHT OF WAY

16:41-12.7 Fee schedule

1.00	1.00 municipality per event up to 14 days
	10.00 all others, per event up to 14 days

SUBCHAPTER 13. TREE TRIMMING

16:41-13.3 Fee schedule

Application Fee	Permit Fee
5.00 annual -region	300.00 annually per region
2.00	10.00 per tree, trimming or removal

SUBCHAPTER 14. DETOURS

16:41-14.3 Fee schedule

15.00	25.00 per day or part thereof
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SUBCHAPTER 15. OTHER PERMITS

16:41-15.16 Fee schedule

(a) Construction of curb. Note: This does not apply if condition of an access permit at time of construction of the access	1.00	1.00
(b) Construction of sidewalk Note: This does not apply if a condition of an access permit at time of construction of the access	1.00	10.00 for 50 L.F. or 10.00 for each additional 50 L.F. or portion thereof

(c) Telephone booth installations	5.00 each	25.00 each
(d) Cross-overs and/or u-turn slots in median	50.00	150.00
(e) Left-turn slots	150.00	500.00
(f) Parades	1.00	1.00 municipality sponsored, 10.00 All others
(g) Removal of fill, other than grading	100.00	50.00 per C.Y. measure in place
(h) Erection of bus shelters, municipality only	1.00	5.00 per shelter
(i) Guard rail removal	10.00	2.00 per L.F.
(j) Test holes	10.00	10.00 each
(k) Grading (excavation or fill)	15.00	25.00
(l) Landscaping	1.00	10.00
Note: This does not apply if a restoration condition under another permit		
(m) Erection of benches	1.00	.50 per bench municipality, request 5.00 per bench, all other applicants
(n) Pedestrian overpass or underpass	150.00	2,000.00
(o) Extension, all issued permits, except those specifically noted		20.00 per renewal per permit

Interested persons may present statements or arguments, in writing, relevant to the proposed action on or before June 25, 1975, to Robert R. Reed, Jr., Administrative Practice Officer of the Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

The Department of Transportation, upon its own motion, or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Alan Sagner  
Commissioner  
Department of Transportation

(a)

# TRANSPORTATION

## THE COMMISSIONER

### Proposed Revisions on Distribution Of Standard Specifications

Alan Sagner, Commissioner of the Department of Transportation, pursuant to the authority delegated by N.J.S.A. 27:1A-6, proposes to adopt revisions to the rules concerning the distribution and sale of the Department's standard specifications.

**Full text** of the proposed revisions follows (additions indicated in boldface, **thus**; deletions indicated by brackets, [thus]):

#### CHAPTER 65. CONTRACT ADMINISTRATION

#### SUBCHAPTER 2. DISTRIBUTION OF STANDARD SPECIFICATIONS

16:65-2.1 Definition

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Standard Specifications” refers to the book entitled “New Jersey State Highway Department Standard Specifications for Road and Bridge Construction, [1961]”.

16:65-2.2 Requirements

(a) The Bureau of Contract Administration shall:  
1. distribute copies of “Standard Specifications” and  
2. **establish a reasonable selling price for the current “Standard Specifications”. This price is subject to change.**

(b) [The selling price of “Standard Specifications” shall be \$5.00 per copy.]

[(c)] Approval of the **Chief Engineer, Design** [State Highway Engineer] is required for non-Departmental distribution without charge.

16:65-2.3 Distribution of free copies

(a) The Bureau of Contract Administration is authorized to distribute “Standard Specifications” upon revision and re-printing, without charge, to the following:

1. New Jersey County Engineer’s Office (one copy each);
2. Chief Engineer of other State Highway Departments (one copy);
3. American Association of State Highway & Transportation Officials (three copies);
4. The successful bidder may receive one copy of “Standard Specifications”, upon award of the contract; provided that not more than one copy of the current “Standard Specifications” will be furnished any contractor, regardless of repeat contract awards to him, except upon payment of [\$5.00] **the established selling price** per copy. (S.S. 1.5.2)

(b) All requests for free copies to other than those specified in subsection (a) of this Section shall be approved by the [State Highway Engineer] **Chief Engineer, Design.**

16:65-2.4 Excerpts

The portion of the [1961] “Standard Specifications” entitled “New Jersey State Highway Department Standard Specifications for Materials” shall be sold for [\$2.00] **the established selling price** per copy. All other provisions of this Subchapter shall apply to this volume.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to Robert R. Reed, Jr., Administrative Practice Officer for the Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Alan Sagner  
Commissioner  
Department of Transportation

(a)

# TRANSPORTATION

## THE COMMISSIONER

### Proposed Rules on Restricted Parking on Certain State Highways

Alan Sagner, Commissioner of Transportation, pursuant to the authority of N.J.S.A. 39:4-138.1 and 39:4-139, proposes to adopt new rules establishing no parking zones for no stopping or standing along certain portions of various State highways.

Below is a listing of each highway affected by the proposed rules, together with the NJDOT Code and N.J.A.C. citations for each proposed regulation:

Route No.	NJDOT Code	N.J.A.C.
N.J. 168	RP-75-9	16:28-3.72
U.S. 46	RP-75-11	16:28-3.73
N.J. 73	RP-75-12	16:28-3.74
N.J. 166	RP-75-14	16:28-3.75
N.J. 31	RP-75-15	16:28-3.76

Copies of the full text of 14 pages or any parts thereof may be obtained from:

Robert J. Nolan  
Chief, Bureau of Traffic Engineering  
Department of Transportation  
1035 Parkway Avenue  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 25, 1975, to Robert R. Reed, Jr., administrative practice officer of the Department of Transportation, at the above address.

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Alan Sagner  
Commissioner  
Department of Transportation

(b)

# TRANSPORTATION

## THE COMMISSIONER

### Rules on Senior Citizens Half-Fare Bus Program

On April 30, 1975, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-64 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on the delegation of powers for senior citizens half-fare bus program (that is, Subchapter 4, Chapter 51, in Title 16), as proposed in the Notice published February 6, 1975, at 7 N.J.R. 63(b).

Subchapters 1 through 3, which also appeared in that Notice, have not as yet been adopted and are still under consideration. These Subchapters will be marked as “Reserved” until adopted.

An order adopting Subchapter 4 only was filed and effective April 30, 1975, as R.1975 d.113.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Rules on Balloons and Balloonists

On May 16, 1975, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 6:1-29 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on ballooning and balloonists, substantially as proposed in the Notice published January 9, 1975, at 7 N.J.R. 29(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Transportation.

Full text of the adopted rules follows:

#### SUBCHAPTER 6. BALLOONING

##### 16:54-6.1 Scope

These rules outline the minimum standards for the establishment, design, size, location and authorization for launching sites herein known as balloonports/balloonspots. This rule does not apply to moored or tethered balloons provided no intention for free-flight exists.

##### 16:54-6.2 Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Balloonport" means any area of land or water of defined dimensions other than a licensed airport, landing field or landing strip for the take off of manned, free-flight balloons used for commercial purposes.

"Balloonspot" means any other area of land or water for the take off of manned free-flight balloons used on an occasional basis for commercial purposes in and from such areas as parking lots, parks, farm land, golf courses, recreation or athletic fields.

"Ballooning" for the purpose of this rule means the preparation, flight and recovery of any lighter-than-air aircraft, not engine driven, operated in a manned, free-flight condition.

"Balloon" for the purpose of this rule means any aircraft which is lighter than air and operated in a manned, free-flight condition. There are two basic subcategories:

1. Free balloon with air-borne heater to provide the lifting means.

2. Free balloon, gas filled, with gases such as hydrogen and helium with rate of ascent generally controlled by releasing ballast, and rate of descent controlled by releasing gases.

"Balloonist" means an individual operating a manned, free-flight balloon.

"Commercial purposes" means any exhibitions, demonstrations, meets, student or upgrade training, research development or flight testing where members of the general public are notified of, or invited by any means whatsoever, to observe, or participate in balloon operations.

"Crew member" means an individual used to assist in the preflight, inflation, launch, chase, landing (arrival) and equipment recovery of the balloon.

"Free-flight" means the act of flying a manned, free-flight balloon while such a balloon is not tethered to the ground.

"Moored or tethered flight" means the act of operating a balloon secured to the ground by sufficient and suitable means to permit vertical movements and no intention of launch into free-flight exists.

##### 16:54-6.3 Classes of licensing

Balloonport/Balloonspot - commercial use shall be the class of license issued under this Subchapter. Commercial balloonport/balloonspot licenses shall be issued for a one-year period or as otherwise indicated for a lesser period.

##### 16:54-6.4 Standards for issuance of license

(a) Standards for issuance of licenses are as follows:

1. Class of License: Dimensions & Qualifications:
  - i. Balloonport-commercial use: Clear surface area of 200 feet square or 200 feet in diameter. Take off/departure ratio must be 1:1 from the center of the balloonport to provide a margin of safety to any obstruction outside of the balloonport area. (Minimum dimensions for one balloon) except that all public utility lines, towers of all types, and inhabited buildings and dwellings must be cleared by at least 5:1 as measured from the nearest edge of the circle or perimeter of said obstruction;
  - ii. Balloonspot-commercial use: Clear surface area of 100 feet square or 100 feet in diameter. Take off/departure ratio must be 1:1 from the perimeter of the designated area of balloonspot. (Minimum dimensions for one balloon) except that all public utility lines, towers of all types and inhabited buildings and dwellings must be cleared by at least 5:1 as measured from the nearest edge of the circle or perimeter to said obstruction.
2. Request for waivers of the above criteria may be submitted by special application to New Jersey Department of Transportation, Division of Aeronautics. Approval/disapproval will be based upon the safety of the general public in consideration of the operations involved. The Division of Aeronautics may designate, by letter, the appointment of qualified private sector balloonists to assist in the implementation of the procedures and provisions of this Rule.

(b) General requirements are:

1. When ballooning is to be conducted for commercial exhibition purposes or events involving the general public, the proposed take off area must be evaluated by a representative of the Division of Aeronautics. The written request must be submitted not less than five calendar days prior to the scheduled event to permit an evaluation of the proposed area, its size, power line or obstruction proximity, and evaluations of the measures to be used to protect the public from the potential hazards of the operation, gases or equipment involved.
2. A wind velocity measuring device and wind direction indicator shall be available to provide current wind information at the launch site.

3. In the case of a night flight, the licensed commercial balloonport/balloonspot area shall be provided with sufficient illumination to enable the pilot and crew to take off safely.

4. The balloonport/balloonspot area shall be provided with sufficient fire-fighting protection for the specific type of balloon operation and balloon size engaged in such as hot air and hydrogen. The regulations of the New Jersey Division of Motor Vehicles on transportation of gases; and the Department of Labor and Industry on the handling of gases must be complied with.

5. A balloonport/balloonspot shall be either enclosed by adequate fencing or guarded by persons to preclude the public from the immediate operations area.

6. Note: A tethered balloon is a potential free balloon; make sure striker-igniters and associated equipment are on board. Brief your ground crew before inflation on this possibility.

#### 16:54-6.5 Application for license

(a) All applications for commercial balloonport/balloonspot are to be made on Department of Transportation's forms DA-29, "Application for Balloonport/Balloonspot" with the following data submitted as attachments:

1. Written authorization of the property owner, or the lessee if other than the applicant. Upon receipt of the properly completed application, an initial inspection of the balloonport/balloonspot will be conducted by a representative of the Division of Aeronautics.

2. A drawing (scale one inch = 400 feet) of the terrain for at least 1,000 feet in all directions from the center of the balloonport/balloonspot showing the locations of the obstructions or hazards related to the facility.

3. A certificate from the appropriate municipal authority that the proposed facility is not contrary to the existing zoning codes and/or applicable ordinances.

#### 16:54-6.6 License issuance fee

(a) The fee for the license of a balloonport or balloonsport to be used for the take off of a balloon(s) shall be \$15.00.

(b) Make checks payable to the New Jersey Division of Aeronautics.

#### 16:54-6.7 Safety requirements

(a) Suitable protective clothing, including helmet, gloves and flotation gear consistent with climatic conditions and terrain features anticipated over the planned route and altitude of flight should be available for all flights.

(b) Commercial operations of balloons will be accompanied by crew members selected by the pilot and shall consist of persons knowledgeable in balloon operations. Spectator participation in commercial activity is not permitted.

(c) At launch the wind velocity should not exceed five m.p.h. with eight m.p.h. as the maximum limitation.

#### 16:54-6.8 Sanction

Any person who knowingly or wilfully makes misrepresentation or false statements to or violates the provisions of this Chapter or Title 6 of the New Jersey Statutes Annotated shall be subject to the fines and penalties as provided by Title 6 of the New Jersey Statutes Annotated.

#### 16:54-6.9 Limitations

Any license issued pursuant to the provisions set forth in this Chapter does not waive any Federal, State or local rules or regulations pertaining to ballooning and may be modified, suspended or revoked in the interest of public safety or as a result of established violations of any of the provisions of Title 6 of the New Jersey Statutes Annotated.

An order adopting these rules was filed and effective May 19, 1975, as R.1975 d.131.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Rule on Effective Date of Exemption Organization Permit

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24, proposes to adopt a new rule on the effective date of the exemption organization permit.

**Full text** of the proposed rule follows:

#### 18:24-1.14 Exempt organization permits; effective date

(a) Organizations which qualify for sales tax exemption under N.J.S.A. 54:32B-9(b)(1) forming after July 31, 1973 must file form ST-5B (Application for Exempt Organization Permit) within six months of formation or before October 1, 1975, whichever is later, in order for the effective date of the exempt organization permit to be retroactive to the date of formation.

(b) If the organization for any reason was required to alter its activities or substantially amend its charter to qualify under N.J.S.A. 54:32B-9(b)(1) its exemption shall be effective only in accordance with subsection (a) of this Section.

(c) In all other instances the exemption, if the organization qualifies, shall be effective as of the date of application.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before June 27, 1975, to:

John K. Rafferty  
Tax Counselors Section  
Division of Taxation  
West State and Willow Streets  
Trenton, N.J. 08625  
Telephone: (609) 292-5995

The Director, Division of Taxation, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

# OTHER AGENCIES

(a)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Revisions to Various Schedules of Charges

On March 26, 1975 and April 10, 1975 the Port Authority of New York and New Jersey adopted resolutions revising schedules of charges at Kennedy International Airport and LaGuardia Airport and modified the toll rate schedule for vehicular crossings.

Full text of the three adopted resolutions follows:

Resolved, that the schedule of charges for the use of public landing area, public passenger ramp and apron area, public cargo ramp and apron area and public aircraft parking and storage areas at Kennedy International Airport, adopted by the committee at its meeting on January 5, 1950 (appearing at page 21 of the committee minutes of that date), as amended, be and the same is hereby amended, effective May 1, 1975, as follows:

1. By revising the charge for each passenger in Section VII, inspection space charges, to \$3.85.
2. By revising the charge for each aircraft arrival to \$72.00 and for each passenger to \$2.60 in Section VIII, general terminal charges.
3. By revising the charge for each passenger in Section VI, porter service charges, to \$.55.

Resolved, that the resolution establishing fees for parking vehicles on public vehicular parking areas at Port Authority air terminals, adopted by the Board at its meeting on March 11, 1948 (appearing on page 90 et seq. of the official minutes of that date), as subsequently amended, be and the same is hereby amended, by adding to the Section relative to LaGuardia Airport, a new section to be effective on the opening of the public parking structure, as follows:

Duration	<i>Parking Garage</i>	(Lot 2)
Up to 1 hour		\$ .50
Up to 2 hours		1.00
Up to 3 hours		1.50
Up to 4 hours		2.00
Up to 5 hours		2.50
Up to 6 hours		3.00
Up to 7 hours		3.50
Up to 8 hours		4.00
Up to 9 hours		4.50
Up to 10 hours		5.00
Up to 11 hours		5.50
Up to 20 hours		6.00
Over 20 hours		\$1.00 each four hours or less

\$7.00 maximum for first 24 hours  
 \$6.00 maximum each 24 hours thereafter.

(All rates include six per cent New York City parking receipts tax).

Notwithstanding any other provisions of this schedule of charges, the foregoing charges shall not apply to the following vehicles:

1. Vehicles carrying holders of annual passes issued by the Port Authority.
2. For the first 24 hours of parking, vehicles carrying persons who present Port Authority official business passes. At the expiration of the first 24-hour parking period the vehicular parking charge shall commence.
3. Vehicles carrying as passengers or vehicles waiting to receive as passengers any one of the following persons and their official parties:
  - a. The President of the United States, the Vice President of the United States, the Governors of the States of New York and New Jersey, United States Senators from the States of New York and New Jersey and United States Congressmen from the Port District;
  - b. The Mayor of any municipality in which any airport is totally or partially located;
  - c. Chiefs of Staff of any branch of the military service and Chiefs of military missions;
  - d. Foreign dignitaries of the rank of ambassador or consul general or a rank equivalent to any of the above.
4. For the first six hours of parking, vehicles carrying newsmen and photographers holding press passes. (Newsmen and photographers presenting press passes may make other arrangements to park for an extended period of time at the airport by obtaining prior permission from the airport manager). At the expiration of the first six-hour parking period in Lot 2 the vehicular parking charge shall commence.

Resolved, that the resolution of the board of commissioners establishing tolls for the use of vehicular crossings, adopted on May 8, 1947 (appearing at pages 114 et seq. of the official minutes of that date), as subsequently amended, be and the same is hereby amended, effective May 5, 1975, to read as follows:

Resolved, that for the purpose of establishing, levying and collecting tolls for the use of vehicular crossings, vehicles and animals shall be classified as follows:

Class 1: Shall include the following vehicles having two axles: passenger automobiles unless they form parts of combinations included in Class 7, hearses, ambulances, commercial limousines, taxicabs and animal-drawn vehicles.

Class 2: Shall include motorcycles, with or without side cars, unless such motorcycles form parts of combinations included in Class 7; and animals ridden, led or herded, and not drawing vehicles.

Class 3: Shall include omnibuses.

Class 4: Shall include the following vehicles having no more than two axles with one wheel at each end of the rear axle, unless such vehicles form parts of combinations included in Classes 8, 9 and 11: trucks, tractors and chassis.

Class 5: Shall include the following vehicles having no more than two axles with more than one wheel at each end of the rear axle unless such vehicles form parts of combinations included in Classes 8, 9 and 11: trucks, tractors and chassis.

Class 7: Shall include combinations consisting of motorcycles or passenger automobiles having two axles and trailers or semi-trailers.

Class 8: Shall include all vehicles other than omnibuses having three axles, unless they form parts of combinations included in Classes 9 and 11.

Class 8 shall also include combinations consisting of trucks or tractors and semi-trailers, the combinations having three axles.

Class 9: Shall include all vehicles other than omnibuses having four axles, unless they form parts of combinations included in Class 11.

Class 9 shall also include all combinations consisting of trucks or tractors and trailers or semi-trailers, the combination having four axles.

Class 11: Shall include all vehicles having five or more axles.

Class 11 shall also include all combinations consisting of trucks or tractors and trailers or semi-trailers, the combination having five or more axles.

Resolved, that (except as hereafter provided in the case of ticket books) the following tolls shall be charged per east-bound trip for the use of vehicular crossings, no tolls to be collected for westbound passage:

- |   |                      |
|---|----------------------|
| (a) Vehicles included in Class 1                  | \$1.50 each          |
| (b) Vehicles and animals included in Class 2      | .75 each             |
| (c) Vehicles included in Class 3                  | 2.00 each            |
| (d) Vehicles included in Class 4                  | 2.00 each            |
| (e) Vehicles included in Class 5                  | 2.50 each            |
| (f) Combination of vehicles included in Class 7   | 2.25 per combination |
| (g) Vehicles included in Class 8                  | 3.75 each            |
| (h) Combination of vehicles included in Class 8   | 3.75 per combination |
| (i) Vehicles included in Class 9                  | 5.00 each            |
| (j) Combinations of vehicles included in Class 9  | 5.00 per combination |
| (k) Vehicles included in Class 11                 | 1.25 per axle        |
| (l) Combinations of vehicles included in Class 11 | 1.25 per axle;       |

and it is further

Resolved, that the executive director be and he hereby is authorized to issue toll scrip in denominations which he deems appropriate and which may be purchased in lots of 25 per denomination, acceptable at bridges and tunnels at face value in payment of the tolls above provided for any class of vehicle, said scrip to be sold at a reduction of ten per cent; said scrip will be accepted if detached but no change in any form will be given when scrip is tendered; and it is further

Resolved, that the toll schedule be modified to discontinue the existing 20 per cent Class 1 vehicle reduced rate, and the existing 50 per cent passenger automobile reduced rate, provided, however, that 20 per cent and 50 per cent reduced rate ticket books outstanding as of said date will continue to be honored until their expiration dates; and it is further

Resolved, that the toll schedule be modified to provide a discount toll for passenger automobiles occupied by three or more persons, such discount to be available through the purchase of books containing 60 tickets at a cost of \$30.00 valid for six months in addition to the month of issue except as follows:

2:00 A.M. on Saturday until 10:00 P.M. Sunday; and,  
2:00 A.M. until 10:00 P.M. on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas, provided said holidays do not fall on a Monday or Friday.

If such holidays fall on a Monday, the discount tickets will be invalid between the hours of 2:00 A.M. Saturday until 10:00 P.M. that Monday; and,

If such holidays fall on a Friday, the discount tickets will be invalid between the hours of 2:00 A.M. that Friday until 10:00 P.M. Sunday.;

and it is further

Resolved, that the executive director be and he hereby is authorized to arrange for the sale of the books of tickets herein provided for upon such terms and conditions as shall be reasonable and desirable.

An order adopting these resolutions was filed April 30, 1975, as R.1975 d.112 (Exempt, Exempt Agency). These resolutions are not subject to codification.

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Revisions to Toll Rate Schedule for Vehicular Crossings

On April 21, 1975, the Port Authority of New York and New Jersey adopted revisions to the toll rate schedule for vehicular crossings.

Full text of the adopted revisions follows:

Resolved, that the resolution of the board of commissioners establishing tolls for the use of vehicular crossings, adopted on May 8, 1947 (appearing at pages 114 et seq. of the official minutes of that date), as subsequently amended, be and the same is hereby amended, effective May 5, 1975, to read as follows:

Resolved, that for the purpose of establishing, levying and collecting tolls for the use of vehicular crossings, vehicles and animals shall be classified as follows:

Class 1: Shall include the following vehicles having two axles; passenger automobiles unless they form parts of combinations included in Class 7, hearses, ambulances, commercial limousines, taxicabs and animal-drawn vehicles.

Class 2: Shall include motorcycles, with or without side cars, unless such motorcycles form parts of combinations included in Class 7; and animals ridden, led or herded and not drawing vehicles.

Class 3: Shall include omnibuses.

Class 4: Shall include the following vehicles having no more than two axles unless such vehicles form parts of combinations included in Classes 8, 9 and 11: Trucks with capacity not in excess of two tons, having one wheel at each end of the rear axle; tractors; chassis; and trailers or semi-trailers with a capacity not in excess of two tons.

Class 5: Shall include the following vehicles having no more than two axles, unless such vehicles form parts of combinations included in Classes 8, 9 and 11: trucks with a capacity in excess of two tons but not in excess of five tons; trucks with a capacity not in excess of two tons, having more than one wheel at each end of the rear axles; and trailers or semi-trailers with a capacity in excess of two tons but not in excess of five tons.

Class 6: Shall include the following vehicles having no more than two axles, unless they form parts of combinations included in Classes 8, 9 and 11: Trucks with a capacity in excess of five tons; and trailers or semi-trailers with a capacity in excess of five tons.

Class 7: Shall include combinations consisting of motor-

cycles or passenger automobiles having two axles and trailers or semi-trailers.

Class 8: Shall include all vehicles other than omnibuses having three axles, unless they form parts of combinations included in Classes 9 and 11.

Class 8 shall also include combinations consisting of trucks or tractors and semi-trailers, the combinations having three axles.

Class 9: Shall include all vehicles other than omnibuses having four axles, unless they form parts of combinations included in Class 11.

Class 9 shall also include all combinations consisting of trucks or tractors and trailers or semi-trailers, the combination having four axles.

Class 11: Shall include all vehicles having five or six axles.

Class 11 shall also include all combinations consisting of trucks or tractors and trailers or semi-trailers, the combination having five or six axles.

and it is further

Resolved that (except as hereafter provided in the case of ticket books) the following tolls shall be charged per east-bound trip for the use of vehicular crossings, no tolls to be collected for westbound passage:

- |   |                      |
|---|----------------------|
| (a) Vehicles included in Class 1                  | \$1.50 each          |
| (b) Vehicles and animals included in Class 2      | .75 each             |
| (c) Vehicles included in Class 3                  | 2.00 each            |
| (d) Vehicles included in Class 4                  | 1.50 each            |
| (e) Vehicles included in Class 5                  | 2.25 each            |
| (f) Vehicles included in Class 6                  | 3.00 each            |
| (g) Combination of Vehicles included in Class 7   | 2.25 per combination |
| (h) Vehicles included in Class 8                  | 3.00 each            |
| (i) Combinations of Vehicles included in Class 8  | 3.00 per combination |
| (j) Vehicles included in Class 9                  | 4.50 each            |
| (k) Combinations of Vehicles included in Class 9  | 4.50 per combination |
| (l) Vehicles included in Class 11                 | 6.00 each            |
| (m) Combinations of vehicles included in Class 11 | 6.00 per combination |

and be it further

Resolved, that the executive director be and he hereby is authorized to issue toll scrip in appropriate denominations which he deems appropriate and which may be purchased in lots of 25 per denomination, acceptable at face value at vehicular crossings in payment of the tolls above provided for any class of vehicle, said scrip to be sold at a reduction of ten per cent; said scrip will be accepted if detached but no change in any form will be given when scrip is tendered; and be it further

Resolved, that the executive director is hereby authorized to arrange for the sale of books containing 20 tickets good for passage over or through any vehicular crossing, for passenger automobiles, at the following rates and upon the following conditions, and that such tickets shall be accepted in lieu of tolls provided for a trip for passenger automobiles using the said vehicular crossings:

The charge for such book shall be \$20.00.

Said books shall be valid only for 35 days including the date of issue thereof, except that books purchased at toll booths of any vehicular crossing shall be valid only for 30 days including the date of issue thereof; and be it further

Resolved, that the executive director be and he hereby is authorized to arrange for the sale of the books of tickets hereinabove provided for, by designated sales agents, upon such terms and conditions as shall be reasonable and desir-

able; and be it further

Resolved, that the toll schedule be modified to discontinue the existing 20 per cent Class 1 vehicle reduced rate, and the existing 50 per cent passenger automobile reduced rate, provided, however, that 20 per cent and 50 per cent reduced rate ticket books outstanding as of said date will continue to be honored until their expiration dates; and be it further

Resolved, that the toll schedule be modified to provide a discount toll for passenger automobiles occupied by three or more persons, such discount to be available through the purchase of books containing 60 tickets at a cost of \$30.00 valid for six months in addition to the month of issue except as follows:

2:00 A.M. Saturday until 10:00 P.M. Sunday; and

2:00 A.M. until 10:00 P.M. on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas, provided said holidays do not fall on a Monday or Friday.

If such holidays fall on a Monday, the discount tickets will be invalid between the hours of 2:00 A.M. Saturday until 10:00 P.M. that Monday; and

If such holidays fall on a Friday, the discount tickets will be invalid between the hours of 2:00 A.M. that Friday until 10:00 P.M. Sunday;

and be it further

Resolved, that the executive director be and he hereby is authorized to arrange for the sale of the books of tickets hereinabove provided for upon such terms and conditions as shall be reasonable and desirable.

An order adopting these revisions was filed May 7, 1975, as R.1975 d.119 (Exempt, Exempt Agency).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

(a)

## PUBLIC BROADCASTING AUTHORITY

### Rules Governing FM Noncommercial Radio Stations in New Jersey

On May 1, 1975, Lawrence T. Frymire, Executive Director, New Jersey Public Broadcasting Authority, pursuant to authority of N.J.S.A. 48:23-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedural rules concerning rules and procedures governing FM noncommercial radio stations in New Jersey.

Full text of the adopted rules follows:

#### SUBTITLE J. PUBLIC BROADCASTING AUTHORITY

#### CHAPTER 35. FM RADIO STATIONS

#### 19:35-1.1 General provisions

(a) The New Jersey Public Broadcasting Authority is empowered to and has filed with the Federal Communications Commission an allocations and assignment plan for non-commercial FM facilities for the State of New Jersey. A portion of that plan established an administrative procedure whereby the Authority assumes review and oversight responsibility of all applications for original construction permit or

for a change in noncommercial FM facilities filed by eligible applicants within the State of New Jersey for the use of frequencies or facilities which might impair the fulfillment of the objectives of the plan.

(b) The procedure adopted herewith requires the following from all eligible applicants:

1. Any eligible applicant for new noncommercial FM facilities, or change in present facilities shall send a copy of their application to the Authority.

2. The Authority will conduct a first level screening of the application and then submit its recommendation to the New Jersey Radio Advisory Committee. The committee will examine the application with reference to the New Jersey State Plan and refer its recommendations back to the Authority which will submit a final recommendation to the FCC and to the applicant.

3. Applicants should allow 45 days for this review process.

4. All correspondence should be addressed as follows:

Executive Director  
Public Broadcasting Authority  
1573 Parkside Avenue  
Trenton, New Jersey 08638  
Telephone: 609/882-5252

(c) The following FCC procedures are applicable with respect to grant and acceptance of applications for construction permits for new or changed facilities on the channels (201 through 220) reserved in Section 73.501 of the Commission's rules. Note 1 of Section 1.573 of the Commission's rules covers noncommercial educational FM stations with these requirements (See also Section 73.504 of the Commission's rules):

1. Restrictions: With respect to acceptance of an application for a construction permit for a new or changed facility on channels reserved in Section 73.501 for noncommercial educational use, the following restrictions will apply:

i. Channels 218, 219 and 220: For channels 218, 219 and 220, the following criteria must be met:

(1) Power and height may not exceed the maximum specified in Section 73.211 of the Commission's rules for a Class B or C commercial station depending on the zone in which it is proposed to locate the facility (In New Jersey, concern is with Class B stations only since Class C are not applicable).

(2) Minimum mileage separations to stations or assignments on channels 221, 222 or 223, specified in the FM table of assignments, Section 73.202 (b), must comply with Sections 73.207 and 73.504 of the Commission's rules.

(3) If the application is for a change in transmitter site, separation between the facility and either a cochannel or adjacent channel station may not be shortened if the result would be a spacing less than that required by Section 73.207 of the Commission's rules.

ii. Objectionable interference: No application for a facility on any channel specified in Section 73.501 of the Commission's rules will be accepted if the requested facility either would cause objectionable interference within the 1 mV/m contour of any cochannel or adjacent channel, or receive interference within the proposed 1 mV/m contour. The following standards shall be used to determine the existence of objectionable interference:

(1) The distance to the 1 mV/m contour shall be determined by the use of Figure 1 of Section 73.333 F(50,50) curve of the Commission's rules, in compliance with Section 73.313 (c) (1) of the rules.

(2) The distance to the applicable interference contour

shall be determined by the F(50,10) curve, dated June 20, 1960, and published with the Commission's order, FCC61-1447, adopted December 6, 1961, setting forth the interim procedure for processing FM applications.

(3) Objectionable interference will be considered to exist if, on the basis of the curves referred to in (1) and (2) above, the ratio of undesired to desired signal exceeds 1:10 for cochannel; 1:2 for first adjacent channel (200 kHz. removed); 10:1 for second adjacent channel (400 kHz. removed); and 100:1 for third adjacent channel (600 kHz. removed).

iii. Directional antenna: No application for a construction permit of a new station, or change in channel or change in an existing facility on the same channel will be accepted for filing if a directional antenna with a maximum-to-minimum ratio of more than 15 dB is proposed.

2. Maximum and minimum facilities for stations on non-commercial educational FM channels: No provision as a minimum facility for an FM broadcast station shall apply to a noncommercial educational station operating on a channel specified in Section 73.501 of the Commission's rules; and no provision as to a maximum facility shall apply to a non-commercial educational station on channels 201 to 217, inclusive. However, any application specifying a facility either below the minimum or exceeding the maximum set forth in Section 73.211 of the Commission's rules will not be necessarily granted; see notice of inquiry in Docket No. 14,185 as concerns educational FM matters.

(d) The undesired signal strength ratios set forth above can be translated into terms of decibels above one microvolt per meter. The 1 mV/m protected contour can be defined as the 60 dbu contour or 60 decibels above one microvolt per meter. For cochannel operations, the 60 dbu protected contour may not overlap with another station's 40 dbu nuisance contour, or vice versa. For 200 kHz. separation or first adjacent channel, the 60 dbu and 54 contours may not overlap; for 400 kHz. separations the 60 dbu and 80 dbu contours must not overlap; and for 600 kHz. separations the 60 dbu and 100 dbu contours are applicable.

(e) One other allocation criterion is applied with reference to Sections 73.504 and 73.207 of the Commission's rules. Stations or assignments, whether noncommercial educational or commercial, separated in frequency by 10.6 or 10.8 MHz. (53 or 54 channels) require specific minimum mileage separations. The required separation for this criterion is 15 miles between Class B stations, ten miles between Class B and Class A stations and five miles between Class A stations. Except for the area within 199 miles or 320 kilometers of the Mexican border, there are not specified separation requirements in this category for Class D stations.

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An order adopting these rules was filed and effective May 6, 1975, as R.1975 d.118 (Exempt, Procedure Rule).

Thomas F. Kistner  
Director of Administrative Procedure  
Department of State

# STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

## LIST OF STATE ACCEPTANCE DATES IS REPORTED BY BUILDING DIVISION

Another monthly listing of "final completion" dates on State projects was issued by the Division of Building and Construction, Department of the Treasury.

By statute, a subcontractor or material supplier must file a claim with the contractor's surety at any time during the contract, but not later than 80 days after date of "final completion" and acceptance of the project by the State, or be forever barred against the surety. The creditor's right against the contractor directly is not affected, however, by this statute.

Listed below for the period March 13, 1975 to April 11, 1975 are project numbers, description, location, acceptance date, the trade and the contractor:

DBC 6492, center for occupational education, at Newark, March 24, Sahacht Steel construction.

DBC 6723, Phase 3, war veterans nursing facilities, at Vine-land, March 25, H & V, Charles Simpkin & Sons, Inc.

DBC 6750-4A, Phase 1, renovation, at Stockton State Col-lege, March 25, general construction, Jet Construction Co.

DBC 6910, college union building, at William Paterson Col-lege, April 8, structural steel, Hudson Structural Iron Works, Inc.

DBC 7145, science complex, at William Paterson College, April 8, electrical, Allan Electric Co., Inc.

DBC 7148, maintenance warehouse building, at Kean Col-lege, April 3, plumbing, Don Pizzolato, Inc.

DBC 7574, repair and repointing quarry tile floor, at Youth Correction Institution, March 20, general construction, Drehmann Paving and Flooring Co.

DBC 7873-4, motor vehicle center, at Newark, structural steel, April 8, Hudson Structural Iron Works, Inc.

DBC 7900-12, inspection service and repair of electrical distribution equipment, at Martland Hospital Newark, March 27, electrical, Dean Electric Co., Inc.

DBC 7910-3, children's residential center, at Cedar Grove, structural steel, Hudson Structural Iron Works, Inc.

DBC 7971, alterations to food services building, at New Lisbon, April 3, electrical, Kubiak Electric.

DBC 8053, maintenance facility, at Montclair State Col-lege, March 13, structural steel, Arrow Iron Works, Inc.

DBC 8545-1, air conditioning of Shea Auditorium, at Wil- liam Paterson College, April 8, structural steel, Hudson Struc- tural Iron Works, Inc.

DBC 8580, roads and playfields, at Trenton State College, March 18, electrical, Topas Electric.

DBC 8818, fire detection system, at Arthur Brisbane Child Treatment Center, March 13, Advance Electric Co.

DBC 8819, replace glass doors, at Turrell Residential School, March 20, general construction, B & W Construction Corporation.

DBC 8885, motor vehicle inspection station, at Delanco, April 7, general construction, Clarence C. Hanselman.

DBC 8973-1, security improvements, Vroom Building, at Trenton Psychiatric Hospital, March 13, plumbing, J.J. Usher & Assoc.

DBC 8992, renovations to various buildings, at Sea Girt, March 20, general construction, Raycon Construction Co.

DBC 9012, maintenance shops, State Police Division, at West Trenton, March 26, general construction, Santo Tocco and Sons.

DBC 1016, six-wing neck, at Trenton State Prison, April 1, electrical, Advance Electric.

DBC 8146, maintenance facility, at Freehold, April 10, elec- trical, S. L. Rodson Electrical Co., Inc.

DBC 4967-1, Phase 2, war veterans nursing facilities, at Menlo Park, April 10, electrical, Kubiak Electric.

A further listing covers the period April 12 to May 12:

DBC 6750, education building, Trenton State College, April 30, general construction, Edward D. Lord, Inc. and Donovan Construction Co.

DBC 7048, replacement of inmate housing, Jamesburg, April 17, plumbing, Horowitz Brothers, Inc.

DBC 7123, community day care facilities for retarded per- sons, Gloucester County, May 6, heating and ventilating, Edwin J. Dobson Jr., Inc.

DBC 7145, science complex, William Paterson College, April 17, plumbing Harrison Associates, Inc.

DBC 7750, water treatment plant, Arthur Brisbane Child Treatment Center, April 17, general construction, B & W Construction Corp.

DBC 7859-6, sanitary facilities program, phase II, Belle- plain State Forest, May 5, general construction, Tattoli Con- tractors, Inc.

DBC 7859-10, sanitary facilities program, phase II, Swartswood State Park, May 5, general construction, Tattoli Contractors, Inc.

DBC 7859-11, sanitary facilities program, phase II, Whar- ton State Forest, May 5, general construction, Tattoli Con- tractors, Inc.

DBC 7873-2, motor vehicle inspection station, Camp Kilmer, Edison Township, May 18, structural steel, John Mal- tese Iron Works, Inc.

DBC 7910-3, childrens' residential center, Cedar Grove, April 15, structural steel, Hudson Structural Iron Works.

DBC 8365, new central heating plant, Fernwood complex-DOT, April 18, structural steel, Industrial Engineer- ing Works.

DBC 8529, replacement of locking devices and electrical work, wing 4, Rahway State Prison, April 17, electrical, Mol- nar Electrical Contractors, Inc.

DBC 8545-1, miscellaneous site utilities, William Paterson College, April 17, plumbing, Koli Construction Co.

DBC 8725-4, overhead exterior doors, Manpower Training Center, Edison, April 28, general construction, Leon Sewitch & Sons, Inc.

DBC 8816, replace built-up roof, State Museum, April 8, general construction, J. Strober & Sons.

DBC 9042-2, rolling steel doors, Greystone Park Psychiat- ric Hospital, April 17, general construction, Anthony J. Iuso Construction Co.

DBC 9080, incinerator replacement in piggery area, Greys- tone Park Psychiatric Hospital, April 21, general construction, Plibrico Sales & Service Co.

DBC 9105, replacement of cast iron radiators, Rahway State Prison, April 11, heating and ventilating, Fechtner Plumbing & heating Co.

DBC 1334, correct lighting deficiencies, library, Montclair State College, April 23, electrical, Royal United Electric.

DBC 1382, remove and replace roof, A. Harry Moore School, Jersey City State College, April 9, general construction J. Strober & Sons.

DBC 1419, demolition of Hillaire House, Ringwood State Park, April 17, demolition, Morris Lumber and Wrecking.

**DIVISION ON AGING EXPANDED**

Gov. Brendan Byrne recently signed into law a bill reconstituting the Division on Aging in the State Department of Community Affairs. "This bill restores the Division to the full status it deserves in dealing with the many problems facing our State's senior citizens," said Byrne.

**OFFICIAL NOTICE**

**Code Mailing Being Made**

Mailings are being made this month to Administrative Code subscribers of update pages for 11 Titles, namely No's. 1, 2, 3, 4, 5, 9, 13, 15, 16, 17 and 19.

The interim index for the Code in the center pages of this issue has been adjusted accordingly. A second mailing of this latest update will follow shortly for other Titles.

If set subscribers or those ordering the particular Titles listed above do not receive this mailing within a month, please notify this Division at the address or phone number given on Page 2.

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